

UNITED STATES CODE

1940 EDITION



SUPPLEMENT 1

JANUARY 1, 1941 TO JANUARY 2, 1942

UNITED STATES CODE

1940 EDITION

CONTAINING THE GENERAL AND PERMANENT LAWS
OF THE UNITED STATES ENACTED DURING
THE 77TH CONGRESS, FIRST SESSION

Prepared and published under authority of Title 1, U. S. Code, Section 52 (d)
by the Committee on Revision of the Laws of the House of
Representatives, Eugene J. Keogh, Chairman



SUPPLEMENT I

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TITLES OF UNITED STATES CODE

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7. Agriculture.
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PREFACE

This first supplement to the United States Code, 1940 edition, containing the additions to and changes in the permanent laws of the United States enacted during the first session of the Seventy-seventh Congress has been prepared and published by the Committee on Revision of the Laws of the House of Representatives under authority of Title 1, United States Code, section 52 (d), and together with the 1940 edition contains all the general and permanent laws of the United States in force on January 2, 1942. By statutory authority this supplement may be cited as "U. S. C., 1940 ed., Sup. I."

As in the case of the 1940 edition, the actual work of preparing and editing the material for this supplement has been done by the West Publishing Company of St. Paul, Minnesota, and the Edward Thompson Company of Brooklyn, N. Y., under the supervision of the Committee on Revision of the Laws. The Committee gratefully acknowledges the splendid cooperation of the staffs of both publishing companies, and of Charles J. Zinn, a member of the bar of New York and the District of Columbia, representing the Committee; also of the various sections of the Government Printing Office; and also W. H. McClenon of the Legislative Reference Service of the Library of Congress, whose suggestions and criticisms have always been helpful.

The Committee on Revision of the Laws again invites the suggestions and criticisms of users of the Code.

EUGENE J. KEOGH,

Chairman,

Committee on Revision of the Laws.

WASHINGTON, D. C., *February 15, 1942.*

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22. Miscellaneous provisions relating to the Postal Service.

TITLE 40.—PUBLIC BUILDINGS, PROPERTY, AND WORKS

1. Public buildings, grounds, parks, and wharves in District of Columbia.
2. Capitol Building and grounds.
- 2A. National Archives.
3. Public buildings and works generally.
4. The public property.
5. Hours of labor on public works.
6. Acquisition of sites for and construction of public buildings.
7. Acquisition of land in District of Columbia for use of United States by condemnation proceedings.
8. Emergency public works and construction projects.

TITLE 41.—PUBLIC CONTRACTS**TITLE 42.—THE PUBLIC HEALTH AND WELFARE**

1. The Public Health Service.
2. Sanitation and quarantine.
3. Leprosy.
- 3A. Cancer.
4. Viruses, serums, toxins, antitoxins, etc.
5. Maternity and infancy welfare and hygiene.

TITLE 42.—THE PUBLIC HEALTH AND WELFARE—Continued

Chap.

6. The Children's Bureau.
7. Social Security Act.
8. Low-rent housing.
9. Housing of persons engaged in national defense.
10. Federal Security Agency.
11. Compensation for disability or death to persons employed at military, air, and naval bases outside the United States.

TITLE 43.—PUBLIC LANDS

1. General Land Office.
2. Geological Survey.
3. Supervisor of surveys and deputy surveyors.
4. Registers.
5. Land districts.
6. Withdrawal from settlement, location, sale, or entry.
7. Homesteads.
8. Timber and stone lands.
- 8A. Grazing lands.
9. Desert-land entries.
10. Underground-water reclamation grants.
11. Discovery, development, and marking of water holes, etc., by Government.
12. Reclamation and irrigation of lands by Federal Government.
- 12A. Boulder Canyon Project.
13. Federal lands included in State irrigation districts.
14. Grants of desert lands to States for reclamation (the Carey Act).
15. Appropriation of waters; reservoir sites.
16. Sale and disposal of the public lands.
17. Reservation and sale of town sites on the public lands.
18. Survey of public lands.
19. Bounty lands.
20. Reservations and grants to States for public purposes.
21. Grants in aid of railroads and wagon roads.
- 21A. Forfeiture of Northern Pacific Railroad indemnity land grants.
22. Right-of-way and other easements in public lands.
23. Grants of swamp and overflowed lands.
24. Drainage under State laws.
25. Unlawful inclosures or occupancy; obstructing settlement or transit.
- 25A. Lands held under color of title.
26. Abandoned military reservations.
27. Public lands in Oklahoma.
28. Miscellaneous provisions relating to the public lands.

TITLE 44.—PUBLIC PRINTING AND DOCUMENTS

1. Joint Committee on Printing; general powers; contracts.
2. Government Printing Office.
3. Superintendent of Documents; distribution of documents in general.

TITLE 44.—PUBLIC PRINTING AND DOCUMENTS—Continued

Chap.

4. Printing and binding generally.
5. Congressional printing in general.
6. Congressional Record, bills, and laws.
7. Executive and departmental printing in general.
8. Particular reports and documents.
- 8A. National Archives.
- 8B. Federal Register.
9. Advertisements.
10. Disposition of records.

TITLE 45.—RAILROADS

1. Safety appliances and equipment on railroad engines and cars, and protection of employees and travelers.
2. Liability for injuries to employees.
3. Hours of service of employees.
4. Care of animals in transit.
5. Government-aided railroads.
6. Mediation, conciliation, and arbitration in controversies between carriers and employees.
7. Adjustment boards and labor boards.
8. Railway Labor Act.
9. Retirement of railroad employees.
10. Tax on carriers and employees.
11. Railroad unemployment insurance act.

TITLE 46.—SHIPPING

1. Bureau of Marine Inspection Navigation.
2. Registry and recording.
- 2A. Load lines for American vessels.
3. Clearance and entry.
4. Tonnage duties.
5. Discriminating duties and reciprocal privileges.
6. Regulation as to vessels carrying steerage passengers.
7. Carriage of explosives or dangerous substances.
8. Limitation of vessel owner's liability.
9. Log books.
10. Regulation of pilots and pilotage.
11. Officers and crews of vessels.
12. Regulation of vessels in domestic commerce.
13. Passports and papers of vessels engaged in foreign commerce.
14. Inspection of steam vessels.
15. Transportation of passengers and merchandise by steam vessels.
16. Regulation of motor boats.
17. Regulation of fisheries.
18. Merchant seamen.
19. Wrecks and salvage.
20. Suits in admiralty by or against vessels or cargoes of United States.
21. Death on the high seas by wrongful act.
22. Suits in admiralty against United States for damages caused by or for towage or salvage services.
23. Shipping Act.
- 23A. Intercoastal Shipping Act.

TITLE 46.—SHIPPING—Continued

Chap.

24. Merchant Marine Act, 1920.
- 24A. Merchant Marine Act, 1928.
25. Ship Mortgage Act.
26. Home port of vessels.
27. Merchant Marine Act, 1936.
28. Carriage of goods by sea.
29. Nautical instruction.

TITLE 47.—TELEGRAPHS, TELEPHONES, AND RADIOTELEGRAPHS

1. Telegraphs.
2. Submarine cables.
3. Radiotelegraphs.
4. Radio Act of 1927.
5. Wire or radio communication.

TITLE 48.—TERRITORIES AND INSULAR POSSESSIONS

1. The Bureau of Insular Affairs.
2. Alaska.
3. Hawaii.
4. Puerto Rico.
5. The Philippine Islands.
6. Canal Zone.
7. The Virgin Islands.
8. Guano Islands.
9. Guam, Samoa, and Swains Island; miscellaneous provisions.
10. Territorial provisions of a general nature.

TITLE 49.—TRANSPORTATION

1. Interstate Commerce Act, Part I; general provisions and railroad and pipe line carriers.
2. Legislation supplementary to "Interstate Commerce Act."
3. Termination of Federal control.
4. Bills of lading.
5. Inland waterways transportation.
6. Air commerce.
7. Coordination of interstate railroad transportation.
8. Interstate Commerce Act, Part II; motor carriers.
9. Civil Aeronautics Act.
10. Training of civil aircraft pilots.
11. Seizure and forfeiture of carriers transporting, etc., contraband articles.
12. Interstate Commerce Act, Part III; water carriers.

TITLE 50.—WAR AND APPENDIX

1. Council of National Defense.
2. Board of Ordnance and Fortification.
3. Alien enemies.
4. Espionage.
- 4A. Photographing, sketching, mapping, etc., defensive installations.
5. Arsenals, armories, arms, and war material generally.

TITLE 50.—WAR AND APPENDIX—Continued

Chap

6. Willful destruction, etc., of war or national-defense material.
7. Interference with homing pigeons owned by United States.
8. Explosives; manufacture, distribution, storage, use, and possession regulated.
9. Aircraft.
10. Helium gas.
11. Acquisition of and expenditures on land for national-defense purposes.
12. Vessels in territorial waters of United States.
13. Insurrection.

TITLE 50.—WAR, APPENDIX

Proclamations and Executive Orders Respecting War and Neutrality.

Trading With the Enemy Act of 1917.

Soldiers' and Sailors' Civil Relief Act of 1918.

Selective Draft Act of 1917.

Selective Training and Service Act of 1940.

Service Extension Act of 1941.

Army Reserve and Retired Personnel Service Law of 1940.

Soldiers' and Sailors' Civil Relief Act of 1940.

First War Powers Act, 1941.

Miscellaneous Acts.

UNITED STATES CODE
1940 EDITION

SUPPLEMENT I

January 3, 1941 to January 2, 1942

TITLE 2.—THE CONGRESS

Chapter 1.—ELECTION OF SENATORS AND REPRESENTATIVES

Sec.

2b. Number of Representatives from each State in 78th and subsequent Congresses (New).

§ 2a. Reapportionment of Representatives; time and manner; existing decennial census figures as basis; statement by President; duty of clerk.

(a) On the first day, or within one week thereafter, of the first regular session of the Eighty-second Congress and of each fifth Congress thereafter, the President shall transmit to the Congress a statement showing the whole number of persons in each State, excluding Indians not taxed, as ascertained under the seventeenth and each subsequent decennial census of the population, and the number of Representatives to which each State would be entitled under an apportionment of the then existing number of Representatives by the method known as the method of equal proportions, no State to receive less than one Member.

(b) Each State shall be entitled, in the Eighty-third Congress and in each Congress thereafter until the taking effect of a reapportionment under this section or subsequent statute, to the number of Representatives shown in the statement required by subsection (a) of this section, no State to receive less than one Member. It shall be the duty of the Clerk of the House of Representatives, within fifteen calendar days after the receipt of such statement, to send to the executive of each State a certificate of the number of Representatives to which such State is entitled under this section. In case of a vacancy in the office of Clerk, or of his absence or inability to discharge this duty, then such duty shall devolve upon the Sergeant at Arms of the House of Representatives; and in case of vacancies in the offices of both the Clerk and the Sergeant at Arms, or the absence or inability of both to act, such duty shall devolve upon the Doorkeeper of the House of Representatives.

(c) Until a State is redistricted in the manner provided by the law thereof after any apportionment, the Representatives to which such State is entitled under such apportionment shall be elected in the following manner: (1) If there is no change in the number of Representatives, they shall be elected from the districts then prescribed by the law of such State, and if any of them are elected from the State at large they shall continue to be so elected; (2) if there is an increase in the number of Representatives, such additional Representative or Representatives shall be elected from the State at large and the other Representatives from the districts then prescribed by the law of such State; (3) if there is a decrease in the number of Representatives but the number of districts in such State

is equal to such decreased number of Representatives, they shall be elected from the districts then prescribed by the law of such State; (4) if there is a decrease in the number of Representatives but the number of districts in such State is less than such number of Representatives, the number of Representatives by which such number of districts is exceeded shall be elected from the State at large and the other Representatives from the districts then prescribed by the law of such State; or (5) if there is a decrease in the number of Representatives and the number of districts in such State exceeds such decreased number of Representatives, they shall be elected from the State at large. (As amended Nov. 15, 1941, ch. 470, § 1, 55 Stat. 761.)

AMENDMENTS

1941—Act Nov. 15, 1941, cited to text, amended section generally.

§ 2b. Number of Representatives from each State in 78th and subsequent Congresses.

Each State shall be entitled, in the Seventy-eighth and in each Congress thereafter until the taking effect of a reapportionment under a subsequent statute or section 2a of this title, as amended by Act November 15, 1941, ch. 470, § 1, 55 Stat. 761, to the number of Representatives shown in the statement transmitted to the Congress on January 8, 1941, based upon the method known as the method of equal proportions, no State to receive less than one Member. (Nov. 15, 1941, ch. 470, § 2 (a), 55 Stat. 762.)

CERTIFICATES TO EXECUTIVES OF STATES

Section 2 (b) of act Nov 15, 1941, cited to text, provided as follows: "(b) If before the enactment of this Act a certificate has been sent to the executive of any State under the provisions of such section 22 (Title 2, § 2a), as in force before the enactment of this Act, the Clerk of the House of Representatives shall, within fifteen calendar days after the date of enactment of this Act, send a new certificate to such executive stating the number of Representatives to which such State is entitled under this section."

Chapter 3.—COMPENSATION OF MEMBERS

Sec.

42a. Air mail postage allowance (New).

46a. Stationery for Senators (New).

§ 42a. Air mail postage allowance.

Hereafter the Secretary of the Senate is authorized and directed to procure and furnish each fiscal year to each Senator and the President of the Senate, and the clerk of the House of Representatives is authorized and directed to procure and furnish each fiscal year to each Representative, Delegate, and Resident Commissioner from Puerto Rico, upon request by such person, United States air mail postage stamps in an amount not exceeding \$50 for the mailing of postal matter arising in connection

with his or her official business. (July 1, 1941, ch. 268, § 1, 55 Stat. 450.)

§ 46a. Stationery for Senators.

Commencing with the fiscal year 1942 the allowance for stationery for each Senator and for the President of the Senate shall be \$200 per annum. (July 1, 1941, ch. 268, § 1, 55 Stat. 450.)

Chapter 4.—OFFICERS AND EMPLOYEES OF SENATE AND HOUSE OF REPRESENTATIVES

Sec.

60f. Employees salaries changeable by Senators and Committee Chairmen (New)

117a. Disposition of funds from sale of transcripts of House committee hearings (New).

§ 60a. Positions and rates of compensation under Legislative Pay Act of 1929.

* * * * *

SENATE

* * * * *

CHAPLAIN

Chaplain of the Senate, \$1,680.

OFFICE OF THE SECRETARY

Secretary of the Senate, including compensation as disbursing officer of salaries of Senators and of contingent fund of the Senate, \$8,000; Chief Clerk, who shall perform the duties of reading clerk, \$5,500 and \$1,500 additional so long as the position is held by the present incumbent; financial clerk, \$5,000 and \$1,000 additional so long as the position is held by the present incumbent; assistant financial clerk, \$4,500; Parliamentarian, \$5,000 and \$1,500 additional so long as the position is held by the present incumbent; Journal Clerk, \$4,000; principal clerk, \$4,000; legislative clerk, \$4,000 and \$1,000 additional so long as the position is held by the present incumbent; enrolling clerk, \$4,000; printing clerk, \$3,540 and \$460 additional so long as the position is held by the present incumbent; chief bookkeeper, \$3,600; librarian, \$3,600; executive clerk, \$3,180; first assistant librarian, \$3,120; keeper of stationery, \$3,320; clerks—one at \$3,600, one at \$3,360, one at \$3,180, three at \$2,880 each, three at \$2,640 each, clerk in Disbursing Office, \$2,400, six at \$2,400 each, three at \$1,860 each, three at \$1,740 each; special officer, \$2,460; assistants at the press door—one at \$2,140, one at \$1,900; messenger, \$1,260; laborers—one at \$1,740, one at \$1,620, five at \$1,380 each, one in Secretary's office, \$1,680, one, \$1,560, one, \$1,260.

DOCUMENT ROOM

Salaries: Superintendent, \$3,960 and \$1,040 additional so long as the position is held by the present incumbent; first assistant, \$2,640; second assistant, \$2,040; four assistants, at \$2,040 each; skilled laborer, \$1,380.

COMMITTEE EMPLOYEES

Clerks and messengers to the following committees: Agriculture and Forestry—clerk, \$3,900; assistant clerk, \$2,880; assistant clerk, \$2,580; assistant clerk, \$2,400; assistant clerk, \$2,220; additional clerk,

\$1,800. Appropriations—clerk, \$7,000 and \$1,000 additional so long as the position is held by the present incumbent; assistant clerk, \$4,800; assistant clerk, \$3,900; three assistant clerks at \$3,000 each; two assistant clerks at \$2,220 each; messenger, \$1,800. To Audit and Control the Contingent Expenses of the Senate—Clerk, \$3,900; assistant clerk, \$2,880; assistant clerk, \$2,400; assistant clerk, \$2,220; additional clerk, \$1,800. Banking and Currency—clerk, \$3,900; assistant clerk, \$2,880; assistant clerk, \$2,400; assistant clerk, \$2,220. Civil Service—clerk, \$3,900; assistant clerk, \$2,400; assistant clerk, \$2,220; additional clerk, \$1,800. Claims—clerk, \$3,900; assistant clerk, \$2,880; assistant clerk, \$2,580; two assistant clerks at \$2,220 each. Commerce—clerk, \$3,900; assistant clerk, \$2,880; assistant clerk, \$2,580; assistant clerk, \$2,400; two assistant clerks at \$2,220 each. Conference Majority of the Senate—clerk, \$3,900; assistant clerk, \$2,880; two assistant clerks at \$2,580 each; assistant clerk, \$2,220. Conference Minority of the Senate—clerk, \$3,900; assistant clerk, \$2,880; two assistant clerks at \$2,580 each; assistant clerk, \$2,220. District of Columbia—clerk, \$3,900; two assistant clerks at \$2,880 each; assistant clerk, \$2,220; additional clerk, \$1,800; additional clerical assistance at rates of compensation to be fixed by the Chairman of said Committee, \$6,000, and Senate Resolution Numbered 49 agreed to February 3, 1941, is hereby repealed as of July 1, 1941. Education and Labor—clerk, \$3,900; assistant clerk, \$2,580; assistant clerk, \$2,220; additional clerk, \$1,800. Enrolled Bills—clerk, \$3,900; assistant clerk, \$2,400; assistant clerk, \$2,220; additional clerk, \$1,800. Expenditures in the Executive Departments—clerk, \$3,900; assistant clerk, \$2,580; assistant clerk, \$2,220; additional clerk, \$1,800. Finance—clerk, \$4,200 and \$1,000 additional so long as the position is held by the present incumbent; special assistant to the committee, \$3,600; assistant clerk, \$2,880; assistant clerk, \$2,700; assistant clerk, \$2,400; two assistant clerks at \$2,220 each; two experts (one for the majority and one for the minority) at \$3,600 each; messenger, \$1,800. Foreign Relations—clerk, \$3,900; assistant clerk, \$2,880 and \$500 additional so long as the position is held by the present incumbent; assistant clerk, \$2,580; assistant clerk, \$2,220; additional clerk, \$1,800; messenger, \$1,800. Immigration—clerk, \$3,900; assistant clerk, \$2,580; assistant clerk, \$2,220; additional clerk, \$1,800. Indian Affairs—clerk, \$3,900; assistant clerk, \$3,600 and \$1,400 additional so long as the position is held by the present incumbent; assistant clerk, \$2,880; assistant clerk, \$2,400; assistant clerk, \$2,220; additional clerk, \$1,800. Interoceanic Canals—clerk, \$3,900; assistant clerk, \$2,580; assistant clerk, \$2,220; additional clerk, \$1,800. Interstate Commerce—clerk, \$3,900; assistant clerk, \$3,600; assistant clerk, \$2,880; two assistant clerks at \$2,580 each; assistant clerk, \$2,220. Irrigation and Reclamation—clerk, \$3,900; assistant clerk, \$2,580; assistant clerk, \$2,220; two additional clerks at \$1,800 each. Judiciary—clerk, \$3,900; assistant clerk, \$2,880; two assistant clerks at \$2,580 each; assistant clerk, \$2,220. Library—clerk, \$3,900; two assistant clerks at \$2,400 each; assistant clerk, \$2,220; additional clerk, \$1,800. Manufactures—

clerk, \$3,900; assistant clerk, \$2,400; assistant clerk, \$2,220; additional clerk, \$1,800. Military Affairs—clerk, \$3,900; assistant clerk, \$2,880; assistant clerk, \$2,580; assistant clerk, \$2,400; two assistant clerks at \$2,220 each. Mines and Mining—clerk, \$3,900; assistant clerk, \$2,400; assistant clerk, \$2,220; two additional clerks at \$1,800 each. Naval Affairs—clerk, \$3,900; assistant clerk, \$2,880; assistant clerk, \$2,400; two assistant clerks at \$2,220 each. Patents—clerk, \$3,900; assistant clerk, \$2,400; assistant clerk, \$2,220; additional clerk, \$1,800. Pensions—clerk, \$3,900; assistant clerk, \$2,580; four assistant clerks at \$2,220 each. Post Offices and Post Roads—clerk, \$3,900; assistant clerk, \$2,880; assistant clerk, \$2,520; three assistant clerks at \$2,220 each; additional clerk, \$1,800. Printing—clerk, \$3,900; assistant clerk, \$2,580; assistant clerk, \$2,220; additional clerk, \$1,800. Privileges and Elections—clerk, \$3,900; assistant clerk, \$2,400; assistant clerk, \$2,220; additional clerk, \$1,800. Public Buildings and Grounds—clerk, \$3,900; assistant clerk, \$2,400; assistant clerk, \$2,220; assistant clerk, \$2,000, and Senate Resolution Numbered 57, agreed to January 27, 1941, is hereby repealed as of July 1, 1941; additional clerk, \$1,800. Public Lands and Surveys—clerk, \$3,900; assistant clerk, \$2,880; assistant clerk, \$2,580; two assistant clerks at \$2,220 each. Rules—clerk, \$3,900 and \$200 toward the preparation biennially of the Senate Manual under the direction of the Committee on Rules; assistant clerk, \$2,880; assistant clerk, \$2,580; assistant clerk, \$2,220; additional clerk, \$1,800. Territories and Insular Affairs—clerk, \$3,900; assistant clerk, \$2,580; two assistant clerks at \$2,220 each; two assistant clerks at \$2,000 each; additional clerk, \$1,800.

CLERICAL ASSISTANTS TO SENATORS

Clerical assistance to Senators who are not chairmen of the committees specially provided for herein, as follows: Seventy clerks at \$3,900 each; seventy assistant clerks at \$2,400 each; and seventy assistant clerks at \$2,220 each; such clerks and assistant clerks shall be ex officio clerks and assistant clerks of any committee of which their Senator is chairman; seventy additional clerks at \$1,800 each, one for each Senator having no more than one clerk and two assistant clerks for himself or for the committee of which he is chairman; messenger, \$1,800.

Ninety-six additional clerks at \$1,800 per annum each, one for each Senator.

Ninety-six additional clerks at \$1,800 per annum each, one for each Senator.

Twenty-eight additional clerks at \$1,500 per annum each, one for each Senator from each State which has a population of three million or more inhabitants.

OFFICE OF SERGEANT AT ARMS AND DOORKEEPER

Sergeant at Arms and Doorkeeper, \$8,000; two secretaries (one for the majority and one for the minority), at \$5,400 each and \$1,500 additional each so long as the respective positions are held by the present respective incumbents; two assistant secretaries (one for the majority and one for the minority), at \$4,320 each and \$480 additional each so long as the respective positions are held by the present re-

spective incumbents; Deputy Sergeant at Arms and storekeeper, \$4,800 and \$1,000 additional so long as the position is held by the present incumbent; clerks—one \$3,000, one \$2,200, one \$2,100, one \$2,000, one \$1,800, one to the secretary for the majority, \$2,280, one to the secretary of the minority, \$2,280, one \$1,500; assistant doorkeeper, \$2,880; messengers—three (acting as assistant doorkeepers) at \$2,400 each; thirty (including four for minority) at \$1,740 each; four at \$1,620 each; one at card door, \$2,640, and \$240 additional so long as the position is held by the present incumbent; clerk on Journal work for Congressional Record to be selected by the Official Reporters, \$3,360; upholsterer and locksmith, \$2,600; cabinetmaker, \$2,040; three carpenters at \$2,040 each; janitor, \$2,400; five skilled laborers, \$1,680 each; laborer in charge of private passage, \$1,740; four female attendants in charge of ladies' retiring rooms, at \$1,500 each; three female attendants in charge of ladies' retiring rooms, Senate Office Building, at \$1,500 each; attendant authorized by S. Res. 252, adopted May 13, 1938, \$1,500; telephone operators—chief, \$2,460 and \$280 additional so long as the position is held by the present incumbent; fourteen at \$1,620 each; laborer in charge of Senate toilet rooms in old library space, \$1,200; press gallery—superintendent, \$3,660; assistant superintendent, \$3,000; assistant superintendent, \$1,920; messengers for service to press correspondents—two at \$1,560 each, two at \$1,440 each; laborers—three at \$1,380 each, thirty at \$1,260 each, three at \$480 each; special employees—seven at \$1,000 each; twenty-one pages for the Senate Chamber, at the rate of \$4 per day each, during the session, \$15,204.

Police force for Senate Office Building under the Sergeant at Arms: Lieutenant, \$1,740; special officer, \$1,740; three sergeants at \$1,680 each; twenty-eight privates at \$1,620 each.

POST OFFICE

Postmaster, \$3,600; assistant postmaster, \$2,880; chief clerk, \$2,460; wagon master, \$2,280; twenty-six mail carriers, at \$1,740 each.

FOLDING ROOM

Foreman, \$2,460; assistant, \$2,160; clerk, \$1,740; folders—chief, \$2,040, fourteen at \$1,440 each.

HOUSE OF REPRESENTATIVES

OFFICE OF THE SPEAKER

Secretary to the Speaker, \$4,620; three clerks to the Speaker, at \$2,400 each; messenger to Speaker, \$1,680.

THE SPEAKER'S TABLE

Parliamentarian \$5,000, and \$2,500 additional so long as the position is held by the present incumbent, and for preparing Digest of the Rules, \$1,000 per annum; Assistant Parliamentarian, \$3,000 and \$1,500 additional so long as the position is held by the present incumbent; messenger to Speaker's table, \$1,740 and \$660 additional so long as the position is held by the present incumbent.

CHAPLAIN

Chaplain of the House of Representatives, \$1,680.

OFFICE OF THE CLERK

Clerk of the House of Representatives, including compensation as disbursing officer of the contingent fund, \$8,000; Journal clerk, two reading clerks, and tally clerk, at \$5,000 each; enrolling clerk, \$4,000; disbursing clerk, \$3,960 and \$1,040 additional so long as the position is held by the present incumbent; file clerk, \$3,780; chief bill clerk, \$3,540; assistant enrolling clerk, \$3,900; assistant to disbursing clerk, \$3,120; stationery clerk, \$2,880; librarian, \$2,760; assistant librarian and assistant file clerk, at \$2,520 each; assistant Journal clerk and assistant librarian, at \$2,460 each; clerks—one at \$2,460, four at \$2,340 each; bookkeeper and assistant in disbursing office, at \$2,160 each; assistant in disbursing office, \$1,800; three assistants to chief bill clerk at \$2,100 each; stenographer to the Clerk, \$2,500; assistant in stationery room, \$1,740; three messengers at \$1,680 each; stenographer to Journal clerk, \$1,560; laborers—three at \$1,440 each, ten at \$1,260 each; telephone operators—assistant chief, \$1,800, twenty-three at \$1,620 each; substitute telephone operator, when required, at \$4 per day, \$1,460; property custodian and superintendent of furniture and repair shop, who shall be a skilled cabinetmaker or upholsterer and experienced in the construction and purchase of furniture, \$3,960; two assistant custodians at \$3,360 each; locksmith and typewriter repairer, \$1,860; messenger and clock repairer, \$1,740; operation, maintenance, and repair of motor vehicles, \$1,200.

COMMITTEE EMPLOYEES

Clerks, messengers, and janitors to the following committees: Accounts—clerk, \$3,300; assistant clerk, \$2,460; janitor, \$1,560. Agriculture—clerk, \$3,300; assistant clerk, \$2,460; janitor, \$1,560. Appropriations—clerk, \$7,000 and \$1,000 additional so long as the position is held by the present incumbent; assistant clerk, \$5,000 and \$2,500 additional so long as the position is held by the present incumbent; assistant clerk, \$3,900 and \$1,100 additional so long as the position is held by the present incumbent; two assistant clerks at \$3,900 each and \$600 each additional so long as the respective positions are held by the present respective incumbents; assistant clerk, \$3,900 and \$300 additional so long as the position is held by the present incumbent; assistant clerk, \$3,600 and \$900 additional so long as the position is held by the present incumbent; assistant clerk, \$3,300 and \$600 additional so long as the position is held by the present incumbent; additional clerical assistants at rates to be fixed by the chairman of the Committee on Appropriations, \$13,300; messenger, \$1,680; page, \$1,260; four clerk-stenographers at the annual rate of \$1,800 each, one for each subcommittee of the Committee on Appropriations having jurisdiction over a regular annual appropriation bill as shall be designated by the chairman of the Committee on Appropriations and to be appointed by the chairmen of the subcommittees so designated, subject to the approval of the chairman, \$7,200. Banking and Currency—clerk, \$2,760;

assistant clerk, \$1,740; janitor, \$1,260. Census—clerk, \$2,760; janitor, \$1,260. Civil Service—clerk, \$2,760; janitor, \$1,260. Claims—clerk, \$3,300; assistant clerk, \$2,460; janitor, \$1,260. Coinage. Weights, and Measures—clerk, \$2,760; janitor, \$1,260. Disposition of Executive Papers—clerk, \$2,760. District of Columbia—clerk, \$3,300; assistant clerk, \$2,460; janitor, \$1,260. Education—clerk, \$2,760; janitor, \$1,260. Election of the President, Vice President, and Representatives in Congress—clerk, \$2,760. Elections Numbered 1—clerk, \$2,760; janitor, \$1,260. Elections Numbered 2—clerk, \$2,760; janitor, \$1,260. Elections Numbered 3—clerk, \$2,760; janitor, \$1,260. Enrolled Bills—clerk, \$2,760; janitor, \$1,260. Expenditures in Executive Departments—clerk, \$3,300; janitor, \$1,260. Flood Control—clerk, \$2,760; janitor, \$1,260. Foreign Affairs—clerk, \$3,300; assistant clerk, \$2,460; janitor, \$1,260. Immigration and Naturalization—clerk, \$3,300; janitor, \$1,260. Indian Affairs—clerk, \$3,300; assistant clerk, \$2,460; janitor, \$1,260. Insular Affairs—clerk, \$2,760; janitor, \$1,260. Interstate and Foreign Commerce—clerk, \$3,900; additional clerk, \$2,640; assistant clerk, \$2,100; janitor, \$1,560. Irrigation and Reclamation—clerk, \$2,760; janitor, \$1,260. Invalid Pensions—clerk, \$3,300; assistant clerk, \$2,880; expert examiner, \$2,700; stenographer, \$2,640; janitor, \$1,500. Judiciary—clerk, \$3,900; assistant clerk, \$2,460; assistant clerk, \$1,980; janitor, \$1,560. Labor—clerk, \$2,760; assistant clerk, \$1,740; janitor, \$1,260. Library—clerk, \$2,760; janitor, \$1,260. Merchant Marine and Fisheries—clerk, \$2,760; assistant clerk, \$1,740; janitor, \$1,260. Military Affairs—clerk, \$3,300; assistant clerk, \$2,100; janitor, \$1,560. Mines and Mining—clerk, \$2,760; janitor, \$1,260. Naval Affairs—clerk, \$3,300; assistant clerk, \$2,100; janitor, \$1,560. Patents—clerk, \$2,760; janitor, \$1,260. Pensions—clerk, \$3,300; assistant clerk, \$2,160; janitor, \$1,260. Post Office and Post Roads—clerk, \$3,300; assistant clerk, \$2,100; janitor, \$1,560. Printing—clerk, \$2,760; janitor, \$1,560. Public Buildings and Grounds—clerk, \$3,300; assistant clerk, \$1,740; janitor, \$1,260. Public Lands—clerk, \$3,300; assistant clerk, \$1,740; janitor, \$1,260. Revision of the Laws—clerk, \$3,300; janitor, \$1,260. Rivers and Harbors—clerk, \$3,300; assistant clerk, \$2,460; janitor, \$1,560. Roads—clerk, \$2,760; assistant clerk, \$1,740; janitor, \$1,260. Rules—clerk, \$3,300; assistant clerk, \$2,100; janitor, \$1,260. Territories—clerk, \$2,760; janitor, \$1,260. War Claims—clerk, \$3,300; assistant clerk, \$1,740; janitor, \$1,260. Ways and Means—clerk, \$4,620; assistant clerk, \$3,000; assistant clerk and stenographer, \$2,640; assistant clerk, \$2,580; clerk for minority, \$3,180 and \$420 additional so long as the position is held by the present incumbent; janitors—one, \$1,560; two at \$1,260 each. World War Veterans' Legislation—clerk, \$3,300; assistant clerk, \$2,460.

OFFICE OF SERGEANT AT ARMS

Sergeant at Arms, \$8,000; Deputy Sergeant at Arms in charge of mace, \$3,180; cashier, \$6,000; assistant cashier, \$4,000; two bookkeepers, at \$3,360 each; Deputy Sergeant at Arms in charge of pairs, \$3,600 and \$300 additional while the position is held by the present incumbent; pair clerk and messen-

ger, \$2,820; stenographer, \$2,500; skilled laborer, \$1,380; hire of automobile, \$600.

Police force, House Office Building, under the Sergeant at Arms: Lieutenant, \$1,740; three sergeants at \$1,680 each; thirty-five privates at \$1,620 each.

OFFICE OF DOORKEEPER

Doorkeeper, \$6,000; special employee, \$3,000; superintendent of House Press Gallery, \$3,660; assistants to the superintendent of the House Press Gallery—one at \$2,520, and \$300 additional so long as the position is held by the present incumbent, and one at \$2,400; House Radio Press Gallery—superintendent of radio room at \$2,700; messenger at \$1,560; chief janitor, \$2,700; messengers—one chief messenger, \$2,240, sixteen messengers at \$1,740 each, fourteen on soldiers' roll at \$1,740 each; laborers—seventeen at \$1,260 each, two (cloakroom) at \$1,380 each, one (cloakroom), \$1,260, and seven (cloakroom) at \$1,140 each; three female attendants in ladies' retiring rooms at \$1,680 each, attendant for the ladies' reception room, \$1,440; superintendent of folding room, \$3,180 and \$420 additional so long as the position is held by the present incumbent; foreman of folding room, \$2,640; chief clerk to superintendent of folding room, \$2,460; three clerks at \$2,160 each; janitor, \$1,260; laborer, \$1,260; thirty-one folders at \$1,440 each; shipping clerk, \$1,740; two drivers at \$1,380 each; two chief pages at \$1,980 each and \$180 each additional so long as the respective positions are held by the respective present incumbents; two telephone pages at \$1,680 each; two floor managers of telephones (one for the minority) at \$3,180 each and \$300 each additional so long as the respective positions are held by the respective present incumbents; two assistant floor managers in charge of telephones (one for the minority) at \$2,100 each; forty-seven pages during the session, including ten pages for duty at the entrances to the Hall of the House at \$4 per day each, \$34,028; superintendent of document room (Elmer A. Lewis), \$3,960 and \$1,040 additional so long as the position is held by the present incumbent; assistant superintendent of document room, \$2,760; clerk, \$2,320; assistant clerk, \$2,160; eight assistants at \$1,860 each; janitor, \$1,440; messenger to press room (House Press Gallery), \$1,560; maintenance and repair of folding-room motor-truck, \$500.

SPECIAL AND MINORITY EMPLOYEES

Minority employees authorized and named in the House Resolutions Numbered 51 and 53 of December 11, 1931, as amended: Two at \$5,000 each, three at \$3,000 each; one at \$3,600 and \$300 additional while the position is held by the present incumbent (minority pair clerk, House Resolution Numbered 313 of August 7, 1935).

Special employees: Assistant foreman of the folding room, authorized in the resolution of September 30, 1913, \$1,980; laborer, authorized and named in the resolution of April 28, 1914, \$1,380; laborer, \$1,380.

Successors to any of the employees provided for in the two preceding paragraphs may be named by the House of Representatives at any time.

Office of majority floor leader: Legislative clerk, \$3,110; clerk, \$2,530; two assistant clerks, at \$1,800 each; for official expenses of the majority leader, as authorized by House Resolution Numbered 101, Seventy-first Congress, adopted December 18, 1929, \$2,000.

Conference minority: Clerk, \$3,180; legislative clerk, \$3,060; assistant clerk, \$2,100; janitor, \$1,560. The foregoing employees to be appointed by the minority leader.

Two messengers, one in the majority caucus room and one in the minority caucus room, to be appointed by the majority and minority whips, respectively, at \$1,740 each.

POST OFFICE

Postmaster, \$5,000; assistant postmaster, \$2,880; two registry and money-order clerks, at \$2,100 each; forty messengers (including one to superintend transportation of mails), at \$1,740 each; substitute messengers and extra services of regular employees, when required, at the rate of not to exceed \$145 per month each, \$1,740; laborer, \$1,260.

OFFICIAL REPORTERS OF DEBATES

Six official reporters of the proceedings and debates of the House at \$7,500 each; clerk, \$4,000; assistant clerk, \$2,000; six expert transcribers at \$2,000 each.

COMMITTEE STENOGRAPHERS

Four stenographers to committees, at \$7,000 each and two stenographers to committees, at \$6,000 each; clerk, \$3,360.

Whenever the words "during the session" occur in the foregoing paragraphs they shall be construed to mean the one hundred and eighty-one days from January 1 to June 30, 1942, both inclusive.

CAPITOL POLICE

Captain, \$2,700; three lieutenants, at \$1,740 each; two special officers, at \$1,740 each; three sergeants, at \$1,680 each; fifty-two privates, at \$1,620 each.

JOINT COMMITTEE ON PRINTING

Clerk, \$4,000 and \$800 additional so long as the position is held by the present incumbent; inspector under section 49 of Title 44, \$2,820; assistant clerk and stenographer, \$2,640. (As amended July 1, 1941, ch. 268, § 1, 55 Stat. 446.)

APPROPRIATION AS PERMANENT LAW

Repeated by act July 1, 1941, ch. 268, § 4, 55 Stat. 465.

OFFICE OF VICE PRESIDENT

"Office of the Vice President" paragraph under "Senate" in act June 18, 1940, cited to text, was amended by act Mar. 1, 1941, eff. April 1, 1941, ch. 9, § 1, 55 Stat. 14; July 1, 1941, ch. 268, § 1, 55 Stat. 446, to read: "For clerical assistance to the Vice President, at rates of compensation to be fixed by him, \$11,460." Since the amended paragraph does not relate to specific positions or annual rates of compensation, it has been omitted from this section in accordance with section 4 of said act June 18, 1940, set out in note under this section.

CLERKSHIPS IN THE OFFICE OF THE SECRETARY OF THE SENATE

Act Oct. 28, 1941, ch. 460, title II, 55 Stat. 747, contained provisions increasing to \$3,300 per annum, beginning Sept. 1, 1941, one of the clerkships at \$2,640 per annum in the office of the Secretary of the Senate, so long as the position is held by the present incumbent.

§ 60f. Employees salaries changeable by Senators and Committee Chairmen.

Senators and chairmen of standing committees may rearrange or change the schedule of salaries and the number of employees in their respective offices or committees: *Provided*, That such changes shall not increase the aggregate of the salaries provided for such offices or committees by law or Senate resolution: *Provided further*, That no salary shall be fixed hereunder at a rate in excess of \$4,500 per annum and no action shall be taken to reduce any salary which is specifically fixed by law at a rate higher than \$4,500: *Provided further*, That Senators and committee chairmen, on or before the first day of the month in which such changes are to become effective, shall certify in writing such changes or rearrangements to the disbursing office which shall thereafter pay such employees in accord with such changed schedule. (July 1, 1941, ch. 268, § 1, 55 Stat. 448.)

§ 106. Stationery for Senate and House of Representatives; advertisements for.

CROSS REFERENCES

Stationery for Senators, see section 46a of this title.

§ 117a. Disposition of funds from sale of transcripts of House committee hearings.

Any sums received from the sale of copies of transcripts of hearings of committees reported by the House of Representatives committee stenographers shall be covered into the Treasury as "miscellaneous receipts." (July 1, 1941, ch. 268, § 1, 55 Stat. 454.)

Chapter 9.—OFFICE OF LEGISLATIVE COUNSEL

§ 272. Appointment of legislative counsel; qualifications.

One of the legislative counsel shall be appointed by the President pro tempore of the Senate, and one by the Speaker of the House of Representatives, without reference to political affiliations and solely on the ground of fitness to perform the duties of the office. Feb. 24, 1919, ch. 18, § 1303 (a), (d), 40 Stat. 1141; June 2, 1924, ch. 234, § 1101, 43 Stat. 353; Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title VI, § 602, 55 Stat. 726.)

AMENDMENTS

1941—Act Sept 20, 1941, cited to text, substituted "President pro tempore of the Senate" for "President of the Senate."

§ 273. Compensation of legislative counsel.

The positions of legislative counsel shall be allocated from time to time by the President pro tempore of the Senate and the Speaker of the House of Representatives, jointly, to the appropriate grade in the compensation schedules of section 673 of Title 5. The rate of compensation of each of the two legislative counsel shall be fixed from time to time, within the limits of such grade, by the President pro tempore of the Senate and the Speaker of the House of Representatives, respectively. Notwithstanding the foregoing provisions, the compensation of the legislative counsel of the House in office on March 10, 1928, and the legislative counsel of the Senate in office on June 18, 1940, shall be at the rate of \$10,000 a year. (Feb. 24, 1919, ch. 18, § 1303 (d); June 2, 1924, ch. 234, § 1101, 43 Stat. 353; Mar. 10, 1928, ch. 167, § 23 (a), 45 Stat. 279; June 18, 1940, ch. 396, § 1, 54 Stat. 472; Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title VI, § 602, 55 Stat. 726.)

AMENDMENTS

1941—Act Sept 20, 1941, cited to text, substituted "President pro tempore of the Senate" for "President of the Senate"

§ 274. Assistant legislative counsel; clerks and employees; office equipment and supplies.

The legislative counsel shall, subject to the approval of the President pro tempore of the Senate and the Speaker of the House of Representatives, employ and fix the compensation of such assistant counsel, clerks, and other employees, and purchase such furniture, office equipment, books, stationery, and other supplies, as may be necessary for the proper performance of the duties of the office and as may be appropriated for by Congress. (Feb. 24, 1919, ch. 18, § 1303 (a), (d), 40 Stat. 1141; June 2, 1924, ch. 234, § 1101, 43 Stat. 353; Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title VI, § 602, 55 Stat. 726.)

AMENDMENTS

1941—Act Sept. 20, 1941, cited to text, substituted "President pro tempore of the Senate" for "President of the Senate."

TITLE 3.—THE PRESIDENT

Chapter 2.—OFFICE AND COMPENSATION OF PRESIDENT

Sec.

54 Office of Government Reports in the Executive Office of the President; annual appropriation; salary of Director (New).

§ 46. Detail of employees of executive departments to office of President.

REPEATED.—Act Apr. 5, 1941, ch. 40, § 1, 55 Stat. 93.

§ 53. Protection of the President.

REPEATED.—Act May 31, 1941, ch. 156, title I, § 1, 55 Stat. 224.

§ 54. Office of Government Reports in the Executive Office of the President; annual appropriation; salary of Director.

There is authorized to be appropriated annually to the Office of Government Reports in the Executive Office of the President a sum not exceeding \$1,500,000 in order to (a) provide a central clearing house through which individual citizens, organizations of citizens, and State or local governmental bodies may

transmit inquiries and complaints and receive advice and information; (b) assist the President in dealing with special problems requiring the clearance of information between the Federal Government and State and local governments and private institutions; (c) collect and distribute information concerning the purposes and activities of executive departments and agencies for the use of the Congress, administrative officials, and the public; and (d) keep the President currently informed of the opinions, desires, and complaints of citizens and groups of citizens and of State and local governments with respect to the work of Federal agencies: *Provided*, That, in the expenditure of such funds, section 5 of Title 41 shall not be construed to apply to any purchase or service where the aggregate amount involved does not exceed \$50: *Provided further*, That the President may fix the salary of the Director of the Office of Government Reports at a rate of not more than \$10,000 per annum. (June 9, 1941, ch. 189, 55 Stat. 247.)

TITLE 5.—EXECUTIVE DEPARTMENTS AND GOVERNMENT OFFICERS AND EMPLOYEES

Chapter 1.—PROVISIONS APPLICABLE TO DE- PARTMENTS AND OFFICERS GENERALLY

Sec.

30n-1. Absence as witness in certain cases; loss of salary (New).

61a. Pay or credit for accumulated leave of employees ordered to active military or naval duty (New).

73c-2. Same; availability of appropriations (New).

87b. Same; Thanksgiving Day (New).

§ 26a. Saturday half holidays.

SUSPENSION DURING NATIONAL EMERGENCY

Ex Ord. No. 8816, July 5, 1941, 6 Fed. Reg. 3265, suspended the provisions of this section "(1) as to all civil employees of the War Department and its field services engaged in the performance of labor or duties in the Canal Zone, Puerto Rico, and the territory of Alaska, and (2) as to all civil employees of the Coast Guard and its field services engaged in the performance of labor or duties in Puerto Rico and the Territory of Alaska."

Ex Ord. No. 8876, Aug. 30, 1941, 6 Fed. Reg. 171, suspended for the duration of the national emergency, the provisions of this section "as to all employees of the War Department and its field services who are engaged in, or directly connected with, the construction of works necessary to the military establishment in the United States, and as to all employees of the Coast Guard and its field services engaged in, or directly connected with, the construction, alteration, or repair of vessels or shore facilities of the Coast Guard."

§ 29. Hours of labor in executive departments.

OVERTIME AND VACATION COMPENSATION DURING NATIONAL EMERGENCY

NATIONAL EMERGENCY CONTRACTS

Overtime pay authorized for certain employees in special circumstances by act June 28, 1940, ch. 440, 54 Stat. 676, see note preceding section 1, Title 41, Public Contracts

OVERTIME COMPENSATION FOR CERTAIN EMPLOYEES OF WAR DEPARTMENT, PANAMA CANAL, NAVY DEPARTMENT, AND COAST GUARD

Act June 3, 1941, ch. 168, § 1, 55 Stat. 241, established overtime rates for compensation for certain employees of the field services of the War Department, Panama Canal, Navy Department, and Coast Guard, to be effective during the national emergency declared by the President on Sept. 8, 1939, and to terminate June 30, 1942, unless otherwise provided by Congress.

VACATION PAY FOR CERTAIN EMPLOYEES OF THE WAR DE- PARTMENT AND PANAMA CANAL ZONE

Act June 3, 1941, ch. 168, § 2, 55 Stat. 241, provided employees of the field service of the War Department and Panama Canal Zone might be employed during their vacation period without loss of vacation pay, to be effective during the national emergency declared by the President on Sept. 8, 1939, and to terminate June 30, 1942, unless otherwise provided by Congress.

§ 30n-1. Absence as witness in certain cases; loss of salary.

From and after the passage of this section employees of the Government of the United States in

active service who are called upon to serve as witnesses on behalf of the District of Columbia in any court proceeding in which the government of the District of Columbia may be a party and employees of the government of the District of Columbia who are called upon to serve as witnesses on behalf of the United States or the District of Columbia in any court proceeding in which the Government of the United States or the government of the District of Columbia may be a party, shall not be paid witness fees for such service, but the period of such service shall be without loss of salary or compensation and shall not be deducted from any leave of absence with pay authorized by law. (Oct. 14, 1941, ch. 436, 55 Stat. 737.)

§ 34. Restoration to positions of employees called into active military service.

CROSS REFERENCES

Pay or credit for accumulated leave of employees ordered to active military or naval duty, see section 61a of this title.

§ 61a. Pay or credit for accumulated leave of employees ordered to active military or naval duty.

Employees of the United States Government, its Territories or possessions, or the District of Columbia (including employees of any corporation created under authority of an Act of Congress which is either wholly controlled or wholly owned by the United States Government, or any corporation, all the stock of which is owned or controlled by the United States Government, or any department, agency, or establishment thereof, whether or not the employees thereof are paid from funds appropriated by Congress), who have heretofore or who may hereafter be ordered to active duty with the military or naval forces of the United States shall be entitled to receive, in addition to their military pay, compensation in their civilian positions covering their accumulated or current accrued leave or to elect to have such leave remain to their credit until their return from active military or naval service. (Aug. 1, 1941, ch. 348, 55 Stat. 616.)

§ 73. Actual traveling expenses only allowed.

CROSS REFERENCES

Army transports, transportation of certain persons on, see section 1371 et seq. of Title 10, Army.

§ 73c-2. Same; availability of appropriations.

Appropriations under the Department of the Interior available for travel, shall be available for expenses of the transfer of household goods and effects as provided by section 73c-1 of this title, and regulations promulgated thereunder. (June 28, 1941, ch. 259, § 5, 55 Stat. 360.)

§ 75a. Civilians employed in field service; quarters, heat, light, household equipment, subsistence and laundry service.

CROSS REFERENCES

Deductions from salaries of officers and crews of vessels of the Fish and Wildlife Service for quarters and rations as unauthorized by this section, see section 754 of Title 16, Conservation.

§ 76. Free tuition in District of Columbia schools for children of employees of United States.

REPEATED—Act July 1, 1941, ch. 271, § 1, 55 Stat. 512.

§ 87b. Same; Thanksgiving Day.

The fourth Thursday of November in each year after the year 1941 shall be known as Thanksgiving Day, and is hereby made a legal public holiday to all intents and purposes and in the same manner as the 1st day of January, the 22d day of February, the 30th day of May, the 4th day of July, the first Monday of September, the 11th day of November, and Christmas Day are now made by law public holidays. (Dec. 26, 1941, ch. 631, 55 Stat. 862.)

§ 95. Witnesses' fees.

CROSS REFERENCES

Loss of salary as witness in certain cases, see section 30n-1 of this title.

§ 99. Ex-officers or employees not to prosecute claims in departments.

EXEMPTION OF CERTAIN SELECTIVE SERVICE PERSONNEL

Act May 5, 1941, ch. 85, 55 Stat. 150, as amended Dec. 26, 1941, ch. 628, 55 Stat. 861, provided: "That nothing in sections 109 and 113 of the Criminal Code (U S C, Title 18, secs 198 and 203) or in section 190 of the Revised Statutes (U S C, Title 5, sec 99) shall be deemed to apply to any person because of his appointment under authority of the Selective Training and Service Act of 1940 (Title 50 Appendix, § 301 et seq) or the Selective Service Regulations made in pursuance thereof as a member of a local board, a board of appeal, an advisory board for registrants, as a State director, a Government appeal agent, or as an individual to conduct hearings on appeals of persons claiming exemption from combatant training and service because of conscientious objections as provided in section 5 (g) of the Selective Training and Service Act of 1940 (Title 50 Appendix, § 305 (g)); or because of his appointment as a member of an Alien Enemy Hearing Board to assist the Attorney General in the execution of any proclamations heretofore or hereafter issued by the President under the authority of the Alien Enemy Act of 1798 as amended (U. S. C., Title 50, secs. 21-24)."

§ 105a. Information furnished Committees of Congress on request.

CROSS REFERENCES

Investigation of nonessential Federal expenditures, see note under Subtitle D, preceding section 3600 of Title 26, Internal Revenue Code

REORGANIZATION OF EXECUTIVE AND ADMINISTRATIVE AGENCIES

§§ 124-132. Reorganization by Executive order.

EX. ORD. NO. 6166—REORGANIZATION OF EXECUTIVE AGENCIES GENERALLY

* * * *

§ 21. DEFINITIONS

As used in this order—

"Agency" means any commission, independent establishment, board, bureau, division, service, or office in the executive branch of the Government

"Abolished agency" means any agency which is abolished, transferred, or consolidated.

"Successor agency" means any agency to which is transferred some other agency or function, or which results from the consolidation of other agencies or functions.

"Function disposed of" means any function eliminated or transferred

§ 22 EFFECTIVE DATE

In accordance with law, this order shall become effective 61 days from its date: *Provided*, That in case it shall appear to the President that the interests of economy require that any transfer, consolidation, or elimination be delayed beyond the date this order becomes effective, he may, in his discretion, fix a later date therefor, and he may for like cause further defer such date from time to time. (Promulgated June 10, 1933, pursuant to section 126 of Title 5.)

§ 133t. Same; continuation of agencies beyond statutory period of termination.

CROSS REFERENCES

Coordination of executive bureaus in interest of national defense and for the successful prosecution of the war, see sections 601-605 of Appendix to Title 50, War.

REORGANIZATION PLAN NO. II

PART 1. DEPARTMENTS

* * * *

§ 4. DEPARTMENT OF THE INTERIOR

* * * *

(c) * * *

(Functions, records, property, and personnel of Consumers' Counsel of the National Bituminous Coal Commission, which were transferred by this Plan to office of Solicitor of Department of Interior, were retransferred to newly created Bituminous Coal Consumers' Counsel by section 852 of Title 15, Commerce and Trade)

* * * *

§§ 133u, 133v.

CROSS REFERENCES

Coordination of executive bureaus in interest of national defense and for the successful prosecution of the war, see sections 601-605 of Appendix to Title 50, War

Chapter 2.—DEPARTMENT OF STATE

§ 153a. Dispatch agents and employees, compensation and expenses.

There shall be paid compensation to agents and employees of dispatch agencies in New York, San Francisco, Seattle, and New Orleans including rent and other expenses. (As amended June 28, 1941, title I, ch. 258, 55 Stat. 269.)

PRIOR LAW

Prior provisions on this subject are contained in former Department of State Appropriation Acts

Chapter 3.—DEPARTMENT OF WAR

Sec.

219a. Same; annual reports to Congress on all contracts in excess of \$10,000 (New).

222. Availability of Military Establishment appropriation for maintenance of prisoners of war (New).

§§ 208, 209. Claims for damages to private property from military operations.

CROSS REFERENCES

Settlement of claims arising from actions of United States armed forces in foreign countries during National Emergency, see section 224d of Title 31, Money and Finance, and note thereunder.

§ 219a. Same; annual reports to Congress on all contracts in excess of \$10,000.

It shall be the duty of the Secretary of War to file with the Congress prior to the end of each fiscal

year a full and complete list of all contracts in excess of \$10,000 in value, including contracts for the purchase of land, which may be undertaken for the expenditure of the funds appropriated by any Act, together with a summary of the subject matter of such contracts, the names of the contractors and of the persons who negotiated any such contract either on behalf of the Government or of the contractor, and, if any such contract was awarded without competitive bidding, a statement of the reasons for the selection of the contractor. (Aug. 25, 1941, ch. 409, title IV, § 2, 55 Stat. 686.)

CROSS REFERENCES

Similar provisions with respect to reports by the Secretary of the Navy, see section 470 of this title.

§ 222. Availability of Military Establishment appropriations for maintenance of prisoners of war.

The Secretary of War is authorized to utilize any appropriation available for the Military Establishment, under such regulations as he may prescribe, for all expenses incident to the maintenance, pay, and allowances of prisoners of war, other persons in Army custody whose status is determined by the Secretary of War to be similar to prisoners of war, and persons detained in Army custody pursuant to Presidential proclamation. (Dec. 17, 1941, ch. 591, title I, § 103, 55 Stat. 813.)

Chapter 4.—DEPARTMENT OF TREASURY

GENERAL PROVISIONS

§ 274. Detail of officers or employees for foreign service of Department of State.

REPEATED—Act June 28, 1941, ch. 258, title I, 55 Stat. 277.

BUREAU OF CUSTOMS

§ 281f. Additional deputy commissioner of customs.

Section, act June 17, 1930, ch. 497, title IV, § 650, 46 Stat. 762, is now covered by section 281a of this title.

Chapter 5.—DEPARTMENT OF JUSTICE

§§ 299, 300.

REPEATED—Act June 28, 1941, ch. 258, title III, 55 Stat. 290

§ 301. Officials for investigation of official acts, records, and accounts of marshals, attorneys, clerks of courts, United States commissioners, referees, and trustees.

REPEATED.—Act June 28, 1941, ch. 258, title III, 55 Stat. 293

Chapter 7.—DEPARTMENT OF NAVY

OFFICE OF BUDGET AND REPORTS (NEW)

Sec.

470. Contracts in excess of \$10,000

471. Office of Budget and Reports—Establishment.

- (a) Director; appointment, term, rank.
- (b) Assistant to the Director; compensation.

CHIEF OF NAVAL OPERATIONS

§ 425a. Same; subsequent retirement.

CROSS REFERENCES

Provisions similar to those of this section are also set out as section 685a of Title 34, Navy.

HYDROGRAPHIC OFFICE

§ 457a. Detail of hydrographic surveyors to Hydrographic Office in District of Columbia.

REPEATED—Act May 6, 1941, ch. 86, § 1, 55 Stat. 154.

OFFICE OF BUDGET AND REPORTS (NEW)

§ 470. Contracts in excess of \$10,000.

It shall be the duty of the Secretary of the Navy to file with the Congress prior to the end of each fiscal year a full and complete list of all contracts in excess of \$10,000 in value, including contracts for the purchase of land, which may be undertaken for the expenditure of the funds appropriated by any Act, together with a summary of the subject matter of such contracts, the names of the contractors and of the persons who negotiated any such contract either on behalf of the Government or of the contractor, and, if any such contract was awarded without competitive bidding, a statement of the reasons for the selection of the contractor. (Aug. 25, 1941, ch. 409, title IV, § 2, 55 Stat. 686.)

CROSS REFERENCES

Similar provisions with respect to reports by the Secretary of War, see section 219a of this title.

§ 471. Office of Budget and Reports—Establishment.

There is hereby created and established in the Office of the Secretary of the Navy an Office of Budget and Reports, which shall be charged with such duties pertaining to naval budgetary matters and statistical and work reporting as may be prescribed by the Secretary of the Navy. All of the duties of this Office shall be performed under the authority of the Secretary of the Navy, and its orders shall be considered as emanating from him, and shall have full force and effect as such.

(a) Director; appointment, term, rank.

At the head of the Office of Budget and Reports there shall be a director of Budget and Reports, appointed by the President, by and with the advice and consent of the Senate, for a term of three years, from among line officers not below the grade of lieutenant commander on the active list of the Navy. The Director of Budget and Reports shall have the same rank and shall be entitled to the same pay, allowances, and privileges of retirement as are now or may hereafter be prescribed by or in pursuance of law for chiefs of bureaus in the Navy Department.

(b) Assistant to the Director; compensation.

An officer of the line of the Navy may be detailed as assistant to the Director of Budget and Reports, and, in case of death, resignation, absence, or sickness of such Director, shall perform the duties of such Director until his successor is appointed or such absence or sickness shall cease. The assistant to the Director of Budget and Reports shall, while so serving, receive the highest pay of his rank. (Aug. 25, 1941, ch. 409, title II, § 1, 55 Stat. 680.)

Chapter 8.—DEPARTMENT OF INTERIOR

Sec.

499. Construction limitations on buildings purchased, erected, etc., in connection with soil conservation program (New).

§ 485. Duties of Secretary.

OFFICE OF CONSUMERS' COUNSEL OF NATIONAL BITUMINOUS COAL COMMISSION

Office of Consumers' Counsel of National Bituminous Coal Commission was abolished, and its functions were transferred to office of Solicitor of Department of Interior, by Reorg Plan No. II, § 4 (c), eff. July 1, 1939, set out in note under section 138t of this title. Its functions, records, property, and personnel were subsequently transferred from the said Solicitor to the newly created Bituminous Coal Consumers' Counsel by section 852 of Title 15, Commerce and Trade.

§ 499. Construction limitations on buildings purchased, erected, etc., in connection with soil conservation program.

In carrying out directly and in cooperation with other agencies a soil and moisture conservation program on lands under the jurisdiction of the Department of the Interior in accordance with the provisions of sections 590a-590f of Title 16 the cost of any building purchased, erected, or as improved, exclusive of the cost of constructing a water supply or sanitary system and connecting the same with any such building, shall not exceed \$2,500, and all such improvements shall be on Government-owned or Indian lands. (June 28, 1941, ch. 259, § 1, 55 Stat. 306.)

Chapter 9.—DEPARTMENT OF AGRICULTURE

§ 520a. Stenographic reporting service.

REPEATED.—Act July 1, 1941, ch. 267, § 1, 55 Stat. 408.

§ 543b. Official expenses of employees stationed abroad.

REPEATED.—Act July 1, 1941, ch. 267, § 1, 55 Stat. 409.

§ 547. Exchange of motor-propelled vehicles.

REPEATED.—Act July 1, 1941, ch. 267, § 1, 55 Stat. 443.

§ 558a. Schedule of expenditures in annual Budget.

REPEATED.—Act July 1, 1941, ch. 267, § 1, 55 Stat. 410

§ 563. Cooperation with State and other agencies; expenditures.

CROSS REFERENCES

Application to cooperative work by Fish and Wildlife Service, see section 753 of Title 16, Conservation.

§ 565. Construction limitations on buildings of Bureau of Entomology and Plant Quarantine.

REPEATED.—Act July 1, 1941, ch. 267, § 1, 55 Stat. 427.

Chapter 10.—DEPARTMENT OF COMMERCE

§ 593. Chief clerk and superintendent.

REPEATED.—Act June 28, 1941, ch. 258, title II, 55 Stat. 277.

Chapter 12.—CIVIL SERVICE COMMISSION AND CLASSIFIED CIVIL SERVICE

§ 636. Detail of employees.

REPEATED.—Act Apr. 5, 1941, ch. 40, § 1, 55 Stat. 96.

Chapter 13.—CLASSIFICATION OF CIVILIAN POSITIONS

§ 662. Definitions.

* * * * *

The term "department" means an executive department of the United States Government, a governmental establishment in the executive branch of

the United States Government which is not a part of an executive department, the municipal government of the District of Columbia, the Botanic Garden, Library of Congress, Library Building and Grounds, Government Printing Office, the Smithsonian Institution, and the office of the Architect of the Capitol: *Provided*, That this section shall not operate to reduce the compensation of the incumbent in any position on June 20, 1929, nor to prevent the Architect of the Capitol from employing professional and technical services in connection with construction projects at such rates of compensation as he may deem necessary in the public interest: *Provided further*, That the compensation of any employees under the Office of the Architect of the Capitol whose tenure of employment is temporary or of uncertain duration may be fixed by the Architect of the Capitol without reference to the provisions of the Classification Act of 1923, as amended. (As amended Aug. 1, 1941, ch. 346, § 6, 55 Stat. 615.)

* * * * *

AMENDMENTS

1941—Second proviso was added to par. defining "department" by act Aug. 1, 1941, cited to text

CROSS REFERENCES

Appropriations, repeal, effective date relative to amendment of Aug. 1, 1941, see note under section 667 of this title.

§ 667. Increases in compensation.

* * * * *

(b) All employees compensated on a per annum basis, and occupying permanent positions within the scope of the compensation schedules fixed by sections 661-663, 664-673 and 674 of this title, who have not attained the maximum rate of compensation for the grade in which their positions are respectively allocated, shall be advanced in compensation successively to the next higher rate within the grade at the beginning of the next quarter, following the completion of: (1) Each eighteen months of service if such employees are in grades in which the compensation increments are \$60 or \$100, or (2) each thirty months of service if such employees are in grades in which the compensation increments are \$200 or \$250, subject to the following conditions:

(1) That no equivalent increase in compensation from any cause was received during such period, except increase made pursuant to subsection (f) of this section;

(2) That an employee whose rate of compensation is below the middle rate of the grade shall not be advanced unless his current efficiency is good or better than good;

(3) That an employee whose rate of compensation is at or above the middle rate of the grade shall not be advanced unless his current efficiency is better than good;

(4) That the service and conduct of such employee are certified by the head of the department or agency or such official as he may designate as being otherwise satisfactory.

(c) The term "good" as used herein shall be defined in accordance with the systems of efficiency rating established pursuant to section 669 of this title.

(d) For the purposes of this section, the fourth salary rate in grades 2 and 3 of the custodial service shall be considered the middle rate.

(e) Employees eligible under subsection (b) for compensation advancement by reason of service immediately preceding the effective date of this amendment shall be advanced to the next higher rate of compensation within the grade to which their positions are respectively allocated at the beginning of the next quarter immediately following the effective date of this amendment.

(f) Within the limit of available appropriations, and in recognition of especially meritorious services, the head of any department or agency is authorized to make additional within-grade compensation advancements, but any such additional advancements shall not exceed one step and no employee shall be eligible for more than one additional advancement hereunder within each of the time periods specified in subsection (b). All actions under this subsection and the reasons therefor shall be reported to the Civil Service Commission. The Commission shall present an annual consolidated report to the Congress covering the numbers and types of actions taken under this subsection.

(g) The President is hereby authorized to issue such regulations as may be necessary for the administration of this section.

(h) The provisions of subsections (b) to (f), both inclusive, of this section shall not apply to the compensation of persons appointed by the President, by and with the advice and consent of the Senate. (As amended Aug. 1, 1941, ch. 346, § 2, 55 Stat. 613.)

AMENDMENTS

1941—Subsec. (a), formerly entire section, was so designated by act Aug. 1, 1941, cited to text.

Subsecs. (b)–(h) were added by act Aug. 1, 1941, cited to text.

APPROPRIATIONS, REPEAL, EFFECTIVE DATE RELATIVE TO AMENDMENT OF AUG. 1, 1941

Sections 7–9 of act Aug. 1, 1941, cited to text, provided: "Sec. 7. There are hereby authorized to be appropriated such sums as may be necessary to carry the provisions of this Act into effect.

"Sec. 8. Insofar as they are inconsistent or in conflict with prior laws, the provisions of this Act shall control.

"Sec. 9. This Act shall take effect on July 1, 1941."

§ 669. Efficiency ratings.

* * * * *

The Civil Service Commission and heads of departments are authorized and directed to take such action as will apply the provisions of this section uniformly to all employees occupying positions within the compensation schedules fixed by sections 661–663. 664–673 and 674 of this title as nearly as is practicable. (As amended Aug. 1, 1941, ch. 346, § 3, 55 Stat. 669.)

AMENDMENTS

1941—Par. beginning "The Civil Service Commission and heads of departments" was added by act Aug. 1, 1941, cited to text.

CROSS REFERENCES

Appropriations, repeal, effective date relative to amendment of Aug. 1, 1941, see note under section 667 of this title.

66949°—SUPP. 1—42—3

§ 673. Compensation schedules enumerated.

* * * * *

PROFESSIONAL AND SCIENTIFIC SERVICE

* * * * *

Grade 7 in this service, which may be referred to as the head professional grade, shall include all classes of positions the duties of which are to act as assistant head of one of the largest and most important professional or scientific bureaus, or to act as the scientific and administrative head of a major professional or scientific bureau, or to act as professional consultant to a department head or a commission or board dealing with professional, scientific, or technical problems, or to perform professional or scientific work of equal importance, difficulty, and responsibility.

The annual rates of compensation for positions in this grade shall be \$6,500, \$6,750, \$7,000, \$7,250, \$7,500, unless a higher rate is specifically authorized by law.

Grade 8 in this service, which may be referred to as the chief professional grade, shall include all classes of positions the duties of which are to act as the administrative head of one of the largest and most important professional or scientific bureaus, or to perform professional or scientific work of equal importance, difficulty, and responsibility.

The annual rates of compensation for positions in this grade shall be \$8,000, \$8,250, \$8,500, \$8,750, \$9,000, unless a higher rate is specifically authorized by law.

* * * * *

CLERICAL, ADMINISTRATIVE, AND FISCAL SERVICE

* * * * *

Grade 14 in this service, which may be referred to as the executive grade, shall include all classes of positions the duties of which are to act as assistant head of one of the largest and most important bureaus, or to act as head of a major bureau, in case professional or scientific training is not required, or to supervise the design of systems of accounts for use by private corporations subject to regulation by the United States, or to act as the technical consultant to a department head or a commission or board in connection with technical or fiscal matters, or to perform work of similar importance, difficulty, and responsibility.

The annual rates of compensation for positions in this grade shall be \$6,500, \$6,750, \$7,000, \$7,250, \$7,500, unless a higher rate is specifically authorized by law.

Grade 15 in this service, which may be referred to as the senior executive grade, shall include all classes of positions, the duties of which are to act as the head of one of the largest and most important bureaus, in case professional or scientific training is not required, or to perform work of similar importance, difficulty, and responsibility.

The annual rates of compensation for positions in this grade shall be \$8,000, \$8,250, \$8,500, \$8,750, \$9,000, unless a higher rate is specifically authorized by law. (As amended Aug. 1, 1941, ch. 346, § 4, 55 Stat. 673.)

AMENDMENTS

1941—Act Aug. 1, 1941, cited to text, amended Grades 14 and 15 under "Clerical, Administrative, and Fiscal

Service" by substituting "\$6,500, \$6,750, \$7,000, \$7,250, \$7,500" for "\$6,500, \$7,000, and \$7,500", and "\$8,000, \$8,250, \$8,750, \$9,000" for "\$8,000, \$8,500, and \$9,000", respectively. Said act also amended Grades 7 and 8 under "Professional and Scientific Service" by substituting "\$6,500, \$6,750, \$7,000, \$7,250, \$7,500" for "\$6,500, \$7,000, and \$7,500", and "\$8,000, \$8,250, \$8,500, \$9,000" for "\$8,000, \$8,500, and \$9,000," respectively

CROSS REFERENCES

Appropriations, repeal, effective date relative to amendment of Aug. 1, 1941, see note under section 667 of this title.

§ 681. Extension of Classification Act by President.

* * * * *

(d) Offices and positions excepted from section.

* * * * *

(viii) Offices or positions of clerks and laborers in the Customs Service of the Treasury Department, the compensation of which is fixed under sections 6a-6d of Title 19;

(As amended Aug. 1, 1941, ch. 346, § 5 (a), 55 Stat. 615).

* * * * *

AMENDMENTS

1941—Subsec. (d), par. (viii) was amended by act Aug. 1, 1941, which omitted words "verifiers, openers, packers, guards, inspectors, station inspectors."

ALLOCATION OF SERVICES AND GRADES AFFECTED BY AMENDMENT OF AUG 1, 1941

Subsec. (b) and (c) of section 5 of act Aug 1, 1941, provided:

"(b) Upon the passage of this Act, (August 1, 1941) the Secretary of the Treasury shall allocate to the services and grades of the compensation schedules of the Classification Act of 1923, as amended, (this chapter) the other positions heretofore covered by said Act of May 29, 1928, (sections 6a-6d of Title 19) in the same manner as other positions in the field service of the Treasury Department are allocated under section 2 of the Act of July 3, 1930 (46 Stat 1003) (section 678a of this title).

"(c) Nothing contained in this section shall be construed to decrease the existing compensation of any employee, but when his position shall become vacant it shall be filled in accordance with the regular compensation schedule applicable to such position"

CROSS REFERENCES

Appropriations, repeal, effective date relative to amendment of Aug 1, 1941, see note under section 667 of this title.

Chapter 15.—COMPENSATION FOR INJURIES TO EMPLOYEES OF UNITED STATES

CROSS REFERENCES

Compensation for disability or death to persons employed at Military, Air, and Naval Bases outside the United States, see sections 1651-1654 of Title 42, Public Health and Welfare.

§ 797. Members of Officers' Reserve Corps and of the Enlisted Reserve Corps of the Army.

CROSS REFERENCES

Hospital benefits to certain reserve officers, see section 457 of Title 10, Army.

Chapter 16.—SUBSISTENCE EXPENSE ACT OF 1926

§ 834. Mileage and expenses for employees of the Federal Housing Administration.

Employees of the Federal Housing Administration may be allowed in addition to mileage at a rate not to exceed 4 cents per mile for travel by motor vehicle reimbursement for the actual cost of ferry fares and bridge and tunnel tolls, and employees engaged in the inspection of property may be paid an allowance not to exceed 4 cents per mile for all travel performed in privately owned automobiles within the limits of their official posts of duty when such travel is performed in connection with such inspection. (As amended Apr. 5, 1941, ch. 40, § 1, 55 Stat. 100.)

TITLE 7.—AGRICULTURE

Chapter 9.—PACKERS AND STOCKYARDS

STOCKYARDS AND STOCKYARD DEALERS

§ 204. Bond and suspension of registrants.

REPEATED.—Act July 1, 1941, ch. 267, § 1, 55 Stat. 432.

COMMON PROVISIONS

§ 228a. Inspection of livestock, hides, animal products, etc.; place; charges; disposal of funds.

REPEATED.—Act July 1, 1941, ch. 267, § 1, 55 Stat. 415.

CHARGE FOR INSPECTION

§ 231. Fee for inspection of brands appearing upon livestock.

REPEATED.—Act July 1, 1941, ch. 267, § 1, 55 Stat. 432.

Chapter 14.—AGRICULTURAL EXPERIMENT STATIONS

GENERAL PROVISIONS

§ 367. Secretary to prescribe form of financial report by stations and to coordinate departmental work with that of stations.

REPEATED.—Act July 1, 1941, ch. 267, § 1, 55 Stat. 412.

Chapter 17.—MISCELLANEOUS MATTERS

§ 411b. Estimates of apple production.

REPEATED.—Act July 1, 1941, ch. 267, § 1, 55 Stat. 430.

§ 414. Certification of condition, etc., of agricultural products shipped in interstate commerce; certificate as evidence.

REPEATED.—Act July 1, 1941, ch. 267, § 1, 55 Stat. 431.

§ 415e. Farm or food products; sale of samples, practical forms, etc.

REPEATED.—Act July 1, 1941, ch. 267, § 1, 55 Stat. 431.

§ 419. Sale by Secretary of Agriculture of products of agricultural experiment station in Puerto Rico; disposition of moneys.

REPEATED.—Act July 1, 1941, ch. 267, § 1, 55 Stat. 413.

§ 428. Option to purchase lands.

REPEATED.—Act July 1, 1941, ch. 267, § 1, 55 Stat. 408.

Chapter 19.—COTTON STATISTICS AND ESTIMATES

Sec.

§ 473d. Quality tests and analyses by Secretary for breeders and others; fees (New).

§ 473d. Quality tests and analyses by Secretary for breeders and others; fees.

The Secretary of Agriculture is authorized to make analyses of fiber properties, spinning tests, and other

tests of the quality of cotton samples submitted to him by cotton breeders and other persons, subject to such terms and conditions and to the payment by such cotton breeders and other persons of such fees as he may prescribe by regulations under this chapter. The fees to be assessed hereunder shall be reasonable, and, as nearly as may be, to cover the cost of the service rendered. (Mar. 3, 1927, ch. 337, § 3d, as added Apr. 7, 1941, ch. 42, 55 Stat. 131.)

Chapter 26.—AGRICULTURAL ADJUSTMENT ACT OF 1933

COMMODITY BENEFITS

§ 610. Powers of Secretary of Agriculture generally.

APPROPRIATIONS FOR REFUNDS AND PAYMENTS OF PROCESSING AND RELATED TAXES AND LIMITATIONS THEREON

Act May 31, 1941, ch. 156, title I, § 1, 55 Stat. 218

§ 612c. Appropriation to encourage exportation and domestic consumption of agricultural products.

ADDITIONAL APPROPRIATIONS

Res July 1, 1941, ch. 266, § 34, 55 Stat. 407, appropriated, in addition to the funds already provided, \$25,000,000, to be used by the Secretary of Agriculture, for the purpose of effectuating this section, subject to the provisions of law relating to the expenditure of such funds.

Act July 1, 1941, ch. 267, § 1, 55 Stat. 435, made the funds provided for in this section available for the fiscal year 1942.

FOOD STAMP PLAN

REPEATED.—Act July 1, 1941, ch. 267, § 1, 55 Stat. 438.

§§ 615-617.

CROSS REFERENCES

Appropriations for refunds, etc., see note under section 610 of this title.

REFUNDS

APPROPRIATIONS FOR REFUNDS AND PAYMENTS OF PROCESSING AND RELATED TAXES AND LIMITATIONS THEREON

Act May 31, 1941, ch. 156, title I, § 1, 55 Stat. 218.

§§ 642-656.

CROSS REFERENCES

Appropriations for refunds, etc., see note under subchapter heading "Refunds", preceding section 641 of this title.

§§ 658, 659.

CROSS REFERENCES

Appropriations for refunds, etc., see note under subchapter heading "Refunds", preceding section 641 of this title.

Chapter 27.—COTTON MARKETING

§§ 701-723.

APPROPRIATIONS FOR REFUNDS AND PAYMENTS OF PROCESSING AND RELATED TAXES AND LIMITATIONS THEREON

Act May 31, 1941, ch. 156, title I, § 1, 55 Stat. 218.

Chapter 28.—TOBACCO INDUSTRY

§§ 751-766.

APPROPRIATIONS FOR REFUNDS AND PAYMENTS OF PROCESSING AND RELATED TAXES AND LIMITATIONS THEREON

Act May 31, 1941, ch. 156, title I, § 1, 55 Stat. 218.

Chapter 29.—POTATO ACT OF 1935

§§ 801-833.

APPROPRIATIONS FOR REFUNDS AND PAYMENTS OF PROCESSING AND RELATED TAXES AND LIMITATIONS THEREON

Act May 31, 1941, ch. 156, title I, § 1, 55 Stat. 218

Chapter 33.—FARM TENANCY

SUBCHAPTER II.—REHABILITATION LOANS

Sec.

1007a Conditions and penalties attaching to loans (New).

SUBCHAPTER II.—REHABILITATION LOANS

§ 1007a. Conditions and penalties attaching to loans.

Hereafter rural rehabilitation loans shall be subject to the conditions and penalties prescribed by sections 1020k and 1020n of Title 12, except that the functions conferred upon the Governor of the Farm Credit Administration by said sections are hereby conferred, for the purposes hereof, upon the Secretary of Agriculture. (July 1, 1941, ch. 267, § 1, 55 Stat. 440.)

CODIFICATION

Section is not a part of "The Bankhead-Jones Tenant Act" which constitutes this chapter.

Chapter 34.—SUGAR PRODUCTION AND CONTROL

SUBCHAPTER III.—CONDITIONAL PAYMENT PROVISIONS

§ 1131. Conditions of production.

(a) Child labor.

That no child under the age of fourteen years shall have been employed or permitted to work on the farm, whether for gain to such child or any other person, in the production, cultivation, or harvesting of a crop of sugar beets or sugarcane with respect to which application for payment is made, except a member of the immediate family of a person who was the legal owner of not less than 40 per centum of the crop at the time such work was performed; and that no child between the ages of fourteen and sixteen years shall have been employed or permitted to do such work, whether for gain to such child or any other person, for a longer period than eight hours in any one day, except a member of the immediate family of a person who was the legal owner of not less than 40 per centum of the crop at the time such work was performed. The Secretary is authorized to make payments, notwithstanding a failure to comply with the conditions provided in this subsection, but the payments made with respect to any crop shall be subject to a deduction of \$10 for each child for each day, or a portion of a day, during which such child was employed or permitted to work

contrary to the foregoing provisions of this subsection, in the 1940, and subsequent crops. (As amended Dec. 26, 1941, ch. 638, § 2, 55 Stat. 872.)

AMENDMENTS

1941—Subsec. (a) was amended by act Dec. 26, 1941, cited to text, which substituted "in the 1940 and subsequent crops" for "in the 1937, 1938, and 1939 crops".

§ 1134. Computation of payments; recipients thereof—
(a) Base rate.

The amount of the base rate of payment shall be 80 cents per hundred pounds of sugar or liquid sugar, raw value.

(c) Total payment.

The total payment with respect to a farm shall be the product of the base rate specified in subsection (a) of this section multiplied by the amount of sugar and liquid sugar, raw value, with respect to which payment is to be made, except that reduction shall be made from such total payment in accordance with the following scale of reductions:

That portion of the quantity of sugar and liquid sugar which is included within the following intervals of short tons, raw value	Reduction in the base rate of payment per hundredweight of such portion
350 to 700_____	\$0.05
700 to 1,000_____	.10
1,000 to 1,500_____	.20
1,500 to 3,000_____	.25
3,000 to 6,000_____	.275
6,000 to 12,000_____	.30
12,000 to 30,000_____	.325
More than 30,000_____	.50

(As amended Dec. 26, 1941, ch. 638, § 3, 55 Stat. 873.)

AMENDMENTS

1941—Subsecs. (a) and (c) were amended by act Dec. 26, 1941, § 3 (a), (b), respectively, cited to text.

§ 1137. Territorial application.

This subchapter shall apply to the continental United States, the Territory of Hawaii, Puerto Rico, and the Virgin Islands. (As amended Dec. 26, 1941, ch. 638, § 4 (a), 55 Stat. 873.)

EFFECTIVE DATE

Section 4 (b) of act Dec. 26, 1941, cited to text, provided as follows: "(b) The amendment made by this section shall be applicable to the 1942 crop and subsequent crops."

SUBCHAPTER V.—GENERAL PROVISIONS

§ 1173. Appropriation for financing Philippine program of economic adjustment.

There is authorized to be appropriated an amount equal to the amount of the taxes collected or accrued under subchapter IV on sugars produced from sugarcane grown in the Commonwealth of the Philippine Islands which are manufactured in or brought into the United States on or prior to June 30, 1945, minus the costs of collecting such taxes and the estimates of amounts of refunds required to be made with respect to such taxes, for transfer to the Govern-

ment of the Commonwealth of the Philippines for the purpose of financing a program of economic adjustment in the Philippines, the transfer to be made under such terms and conditions as the President of the United States may prescribe: *Provided*, That no part of the appropriations herein authorized shall be paid directly or indirectly for the production or processing of sugarcane in the Philippine Islands. (As amended Dec. 26, 1941, ch. 638, § 6, 55 Stat. 873.)

AMENDMENTS

1941—Act Dec 26, 1941, cited to text, substituted "June 30, 1945" for "June 30, 1942".

§ 1183. Termination of chapter.

The powers vested in the Secretary under this chapter shall terminate on December 31, 1944, except that the Secretary shall have power to make payments under Subchapter III under programs applicable to the crop year 1944 and previous crop years. (As amended Dec. 26, 1941, ch. 638, § 1, 55 Stat. 872.)

Chapter 35.—AGRICULTURAL ADJUSTMENT ACT OF 1938

SUBCHAPTER II.—LOANS, PARITY PAYMENTS, CONSUMER SAFEGUARDS, AND MARKETING QUOTAS

B. MARKETING QUOTAS

PART II.—MARKETING QUOTAS—CORN

Sec.

1330 Supplemental provisions relating to corn and wheat marketing quotas (New).

PART IV.—MARKETING QUOTAS—WHEAT

1340. Supplemental provisions relating to corn and wheat marketing quotas (New).

PART VI.—MARKETING QUOTAS—PEANUTS (NEW)

1357. Legislative findings.

1358. Marketing quotas.

1359. Marketing penalties.

SUBCHAPTER II.—LOANS, PARITY PAYMENTS, CONSUMER SAFEGUARDS, AND MARKETING QUOTAS

A. DEFINITIONS, LOANS, PARITY PAYMENTS, AND CONSUMER SAFEGUARDS

§ 1301. Definitions.

* * * * *

(b) Definitions applicable to one or more commodities.

(1) * * *

(B) "Actual production" of any number of acres of cotton or peanuts on a farm means the actual average yield for the farm times such number of acres.

* * * * *

(6) * * *

* * * * *

(C) "Market", in the case of peanuts, means to dispose of peanuts, including farmers' stock peanuts, shelled peanuts, cleaned peanuts, or peanuts in processed form, by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos.

* * * * *

(As amended Apr. 3, 1941, ch. 39, §§ 2, 3, 55 Stat. 91, 92.)

AMENDMENTS

1941—Subsec. (b) (1) (B) was amended by act April 3, 1941, § 2, cited to text

Subsec. (b) (6) (C) was added by act April 3, 1941, § 3, cited to text Former (b) (6) (C) was omitted in amendment to subsec (b) (6) by act July 2, 1940, § 3, also cited.

§ 1302. Loans by Commodity Credit Corporation on agricultural commodities.

CROSS REFERENCES

Peanut crop loans, see sections 1330 (10) and 1340 (10) of this title.

B. MARKETING QUOTAS

PART II.—MARKETING QUOTAS—CORN

§ 1323. Amount of farm marketing quota.

CROSS REFERENCES

Supplemental provisions relating to corn and wheat marketing quotas, see section 1330 of this title.

§ 1330. Supplemental provisions relating to corn and wheat marketing quotas.

Notwithstanding the other provisions of this chapter (hereinafter referred to as this chapter)—

(1) The farm marketing quota under this chapter for any crop of wheat shall be the actual production of the acreage planted to wheat on the farm, less the normal production or the actual production, whichever is the smaller, of that acreage planted to wheat on the farm which is in excess of the farm acreage allotment for wheat. The farm marketing quota under this chapter for any crop of corn shall be the actual production of the acreage planted to corn on the farm, less the normal production or the actual production, whichever is the smaller, of that acreage planted to corn on the farm which is in excess of the farm acreage allotment for corn.

The normal production, or the actual production, whichever is the smaller, of such excess acreage is hereinafter called the "farm marketing excess" of corn or wheat, as the case may be. For the purposes of this section, "actual production" of any number of acres of corn or wheat on a farm means the actual average yield of corn or wheat, as the case may be, for the farm times such number of acres.

(2) During any marketing year for which quotas are in effect, the producer shall be subject to a penalty on the farm marketing excess of corn and wheat. The rate of the penalty shall be 50 per centum of the basic rate of the loan on the commodity for cooperators for such marketing year under section 1302 of this chapter and this section.

(3) The farm marketing excess for corn and wheat shall be regarded as available for marketing, and the penalty and the storage amount or amounts to be delivered to the Secretary of the commodity shall be computed upon the normal production of the excess acreage. Where, upon the application of the producer for an adjustment of penalty or of storage, it is shown to the satisfaction of the Secretary that the actual production of the excess acreage is less than the normal production thereof, the difference between the amount of the penalty or storage as computed upon the basis of normal production and as computed upon the basis of actual production shall be

returned to or allowed the producer. The Secretary shall issue regulations under which the farm marketing excess of the commodity for the farm may be stored or delivered to him. Upon failure to store or deliver to the Secretary the farm marketing excess within such time as may be determined under regulations prescribed by the Secretary, the penalty computed as aforesaid shall be paid by the producer. Any corn or wheat delivered to the Secretary hereunder shall become the property of the United States and shall be disposed of by the Secretary for relief purposes in the United States or in foreign countries or in such other manner as he shall determine will divert it from the normal channels of trade and commerce.

(4) Until the producers on any farm store, deliver to the Secretary, or pay the penalty on, the farm marketing excess of any crop of corn or wheat, the entire crop of corn or wheat, as the case may be, produced on the farm shall be subject to a lien in favor of the United States for the amount of the penalty.

(5) The penalty upon corn or wheat stored shall be paid by the producer at the time, and to the extent, of any depletion in the amount of the commodity so stored, except depletion resulting from some cause beyond the control of the producer.

(6) Whenever the planted acreage of the then current crop of corn or wheat on any farm is less than the farm acreage allotment for such commodity, the total amount of the commodity from any previous crops required to be stored in order to postpone or avoid payment of penalty shall be reduced by that amount which is equal to the normal production of the number of acres by which the farm acreage allotment exceeds the planted acreage. The provisions of section 1326 (b) and (c) of this chapter shall be applicable also to wheat.

(7) A farm marketing quota on corn or wheat shall not be applicable to any farm on which the acreage planted to the commodity is not in excess of fifteen acres. The marketing penalty on corn or wheat shall not be applicable to any farm which, under the terms of the then current agricultural conservation program formulated under sections 590g-590q of Title 16, is classified as a nonallotment farm if the acreage of the commodity harvested on such nonallotment farm is not in excess of fifteen acres or the acreage allotment for the farm, whichever is larger. If the acreage of the commodity harvested on any such nonallotment farm is in excess of fifteen acres and in excess of such acreage allotment, the normal production or the actual production, whichever is the smaller, of the acreage harvested in excess of fifteen acres or such acreage allotment, whichever is larger, shall be taken as the farm marketing excess and shall be subject to penalty: *Provided*, That there shall be no penalty on wheat harvested on any such nonallotment farm from which no wheat is sold if the acreage of wheat harvested on such farm does not exceed such acreage per family living thereon as may be used for home consumption without reducing the payment with respect to the farm under the then current agricultural conservation program: *Provided further*, That for

the marketing year beginning in 1941, there shall be no marketing penalty on wheat with respect to any such nonallotment farm if the acreage of wheat harvested on the farm is not in excess of the usual acreage determined for the farm under the 1941 agricultural conservation program and the county committee determines, in accordance with regulations of the Secretary, that there will not be marketed an amount of wheat in excess of the 1941 farm marketing quota.

(8) Until the farm marketing excess of corn or wheat, as the case may be, is stored or delivered to the Secretary or the penalty thereon is paid, each bushel of the commodity produced on the farm which is sold by the producer to any person within the United States shall be subject to the penalty as specified in paragraph (2) of this section. Such penalty shall be paid by the buyer, who may deduct an amount equivalent to the penalty from the price paid to the producer.

(9) The marketing penalty for cotton and rice produced in the calendar year in which any marketing year begins (if beginning with or after the 1941-1942 marketing year) shall be at a rate equal to 50 per centum of the basic rate of the loan for cooperators for such marketing year under section 1302 of this chapter and this section.

(10) The Commodity Credit Corporation is directed to make available upon the 1941, 1942, 1943, 1944, 1945 and 1946 crops of the commodities cotton, corn, wheat, rice, tobacco and peanuts, for which producers have not disapproved marketing quotas for the marketing year beginning in the calendar year in which such crop is harvested, loans as follows:

(a) To cooperators (except cooperators outside the commercial corn-producing area, in the case of corn) at the rate of 85 per centum of the parity price for the commodity as of the beginning of the marketing year;

(b) To cooperators outside the commercial corn-producing area, in the case of corn, at the rate of 75 per centum of the rate specified in (a) above;

(c) To noncooperators (except noncooperators outside the commercial corn-producing area, in the case of corn) at the rate of 60 per centum of the rate specified in (a) above and only on so much of the commodity as would be subject to penalty if marketed.

(11) The provisions of this section are amendatory of and supplementary to this chapter, and all provisions of law applicable in respect of marketing quotas and loans under such chapter as so amended and supplemented shall be applicable, but nothing in this section shall be construed to amend or repeal section 1301 (b) (6), 1323 (b), or 1335 (d) of this chapter.

(12) Notwithstanding any of the foregoing provisions, the farm marketing excess for any crop of wheat for any farm shall not be larger than the amount by which the actual production of such crop of wheat on the farm exceeds the normal production of the farm wheat-acreage allotment, if the producer establishes such actual production to the satisfaction of the Secretary. Where a downward adjustment in

the amount of the farm marketing excess is made pursuant to the provisions of this paragraph, the difference between the amount of the penalty or storage as computed upon the farm marketing excess before such adjustment and as computed upon the adjusted farm marketing excess shall be returned to or allowed the producer. (May 26, 1941, ch. 133, 55 Stat. 203, as amended Dec. 26, 1941, ch. 626, § 2, 55 Stat. 860, eff. Dec. 26, 1941; Dec. 26, 1941, ch. 636, 55 Stat. 872, eff. May 26, 1941.)

AMENDMENTS

1941—Par (10) was amended by act Dec 26, 1941, ch. 626, cited to text

Par. (12) was added, effective as of May 26, 1941, by act Dec. 26, 1941, ch 636, cited to text.

CODIFICATION

Section is not a part of the Agricultural Adjustment Act of 1938. Similar provisions are also set out as section 1340 of this title.

PART III.—MARKETING QUOTAS—WHEAT

§ 1335. Marketing quotas.

CROSS REFERENCES

Supplemental provisions relating to corn and wheat marketing quotas, see section 1340 of this title

§ 1340. Supplemental provisions relating to corn and wheat marketing quotas.

Notwithstanding the other provisions of this chapter (hereinafter referred to as this chapter)—

(1) The farm marketing quota under this chapter for any crop of wheat shall be the actual production of the acreage planted to wheat on the farm, less the normal production or the actual production, whichever is the smaller, of that acreage planted to wheat on the farm which is in excess of the farm acreage allotment for wheat. The farm marketing quota under this chapter for any crop of corn shall be the actual production of the acreage planted to corn on the farm, less the normal production or the actual production, whichever is the smaller, of that acreage planted to corn on the farm which is in excess of the farm acreage allotment for corn.

The normal production, or the actual production, whichever is the smaller, of such excess acreage is hereinafter called the "farm marketing excess" of corn or wheat, as the case may be. For the purposes of this section, "actual production" of any number of acres of corn or wheat on a farm means the actual average yield of corn or wheat, as the case may be, for the farm times such number of acres.

(2) During any marketing year for which quotas are in effect, the producer shall be subject to a penalty on the farm marketing excess of corn and wheat. The rate of the penalty shall be 50 per centum of the basic rate of the loan on the commodity for cooperators for such marketing year under section 1302 of this chapter and this section.

(3) The farm marketing excess for corn and wheat shall be regarded as available for marketing, and the penalty and the storage amount or amounts to be delivered to the Secretary of the commodity shall be computed upon the normal production of the excess acreage. Where, upon the application of

the producer for an adjustment of penalty or of storage, it is shown to the satisfaction of the Secretary that the actual production of the excess acreage is less than the normal production thereof, the difference between the amount of the penalty or storage as computed upon the basis of normal production and as computed upon the basis of actual production shall be returned to or allowed the producer. The Secretary shall issue regulations under which the farm marketing excess of the commodity for the farm may be stored or delivered to him. Upon failure to store or deliver to the Secretary the farm marketing excess within such time as may be determined under regulations prescribed by the Secretary, the penalty computed as aforesaid shall be paid by the producer. Any corn or wheat delivered to the Secretary hereunder shall become the property of the United States and shall be disposed of by the Secretary for relief purposes in the United States or in foreign countries or in such other manner as he shall determine will divert it from the normal channels of trade and commerce.

(4) Until the producers on any farm store, deliver to the Secretary, or pay the penalty on, the farm marketing excess of any crop of corn or wheat, the entire crop of corn or wheat, as the case may be, produced on the farm shall be subject to a lien in favor of the United States for the amount of the penalty.

(5) The penalty upon corn or wheat stored shall be paid by the producer at the time, and to the extent, of any depletion in the amount of the commodity so stored, except depletion resulting from some cause beyond the control of the producer.

(6) Whenever the planted acreage of the then current crop of corn or wheat on any farm is less than the farm acreage allotment for such commodity, the total amount of the commodity from any previous crops required to be stored in order to postpone or avoid payment of penalty shall be reduced by that amount which is equal to the normal production of the number of acres by which the farm acreage allotment exceeds the planted acreage. The provisions of section 1326 (b) and (c) of this chapter shall be applicable also to wheat.

(7) A farm marketing quota on corn or wheat shall not be applicable to any farm on which the acreage planted to the commodity is not in excess of fifteen acres. The marketing penalty on corn or wheat shall not be applicable to any farm which, under the terms of the then current agricultural conservation program formulated under sections 590g-590q of Title 16, is classified as a nonallotment farm if the acreage of the commodity harvested on such nonallotment farm is not in excess of fifteen acres or the acreage allotment for the farm, whichever is larger. If the acreage of the commodity harvested on any such nonallotment farm is in excess of fifteen acres and in excess of such acreage allotment, the normal production or the actual production, whichever is the smaller, of the acreage harvested in excess of fifteen acres or such acreage allotment, whichever is larger, shall be taken as the farm marketing excess and shall be subject to penalty: *Provided*, That there shall be no penalty on wheat har-

vested on any such nonallotment farm from which no wheat is sold if the acreage of wheat harvested on such farm does not exceed such acreage per family living thereon as may be used for home consumption without reducing the payment with respect to the farm under the then current agricultural conservation program: *Provided further*, That for the marketing year beginning in 1941, there shall be no marketing penalty on wheat with respect to any such nonallotment farm if the acreage of wheat harvested on the farm is not in excess of the usual acreage determined for the farm under the 1941 agricultural conservation program and the county committee determines, in accordance with regulations of the Secretary, that there will not be marketed an amount of wheat in excess of the 1941 farm marketing quota.

(8) Until the farm marketing excess of corn or wheat, as the case may be, is stored or delivered to the Secretary or the penalty thereon is paid, each bushel of the commodity produced on the farm which is sold by the producer to any person within the United States shall be subject to the penalty as specified in paragraph (2) of this section. Such penalty shall be paid by the buyer, who may deduct an amount equivalent to the penalty from the price paid to the producer.

(9) The marketing penalty for cotton and rice produced in the calendar year in which any marketing year begins (if beginning with or after the 1941-1942 marketing year) shall be at a rate equal to 50 per centum of the basic rate of the loan for cooperators for such marketing year under section 1302 of this chapter and this section.

(10) The Commodity Credit Corporation is directed to make available upon the 1941, 1942, 1943, 1944, 1945 and 1946 crops of the commodities cotton, corn, wheat, rice, tobacco and peanuts, for which producers have not disapproved marketing quotas for the marketing year beginning in the calendar year in which such crop is harvested, loans as follows:

(a) To cooperators (except cooperators outside the commercial corn-producing area, in the case of corn) at the rate of 85 per centum of the parity price for the commodity as of the beginning of the marketing year;

(b) To cooperators outside the commercial corn-producing area, in the case of corn, at the rate of 75 per centum of the rate specified in (a) above;

(c) To noncooperators (except noncooperators outside the commercial corn-producing area, in the case of corn) at the rate of 60 per centum of the rate specified in (a) above and only on so much of the commodity as would be subject to penalty if marketed.

(11) The provisions of this section are amendatory of and supplementary to this chapter, and all provisions of law applicable in respect of marketing quotas and loans under such chapter as so amended and supplemented shall be applicable, but nothing in this section shall be construed to amend or repeal section 1301 (b) (6), 1323 (b), or 1335 (d) of this chapter.

(12) Notwithstanding any of the foregoing provisions, the farm marketing excess for any crop of

wheat for any farm shall not be larger than the amount by which the actual production of such crop of wheat on the farm exceeds the normal production of the farm wheat-acreage allotment, if the producer establishes such actual production to the satisfaction of the Secretary. Where a downward adjustment in the amount of the farm marketing excess is made pursuant to the provisions of this paragraph, the difference between the amount of the penalty or storage as computed upon the farm marketing excess before such adjustment and as computed upon the adjusted farm marketing excess shall be returned to or allowed the producer. (May 26, 1941, ch. 133, 55 Stat. 203, as amended Dec. 26, 1941, ch. 626, § 2, 55 Stat. 860, eff. Dec. 26, 1941; Dec. 26, 1941, ch. 636, 55 Stat. 872, eff. May 26, 1941.)

AMENDMENTS

1941—Par. (10) was amended by act Dec. 26, 1941, ch. 626, cited to text.

Par. (12) was added, effective as of May 26, 1941, by act Dec. 26, 1941, ch. 636, cited to text

CODIFICATION

Section is not a part of the Agricultural Adjustment Act of 1938. Similar provisions are also set out as section 1330 of this title.

PART VI—MARKETING QUOTAS—PEANUTS

§ 1357. Legislative findings.

The production, marketing, and processing of peanuts and peanut products employs a large number of persons and is of national interest. The movement of peanuts from producer to consumer is preponderantly in interstate and foreign commerce, and, owing to causes beyond their control, the farmers producing such commodity and the persons engaged in the marketing and processing thereof are unable to regulate effectively the orderly marketing of the commodity. As the quantity of peanuts marketed in the channels of interstate and foreign commerce increases above the quantity of peanuts needed for cleaning and shelling, the prices at which all peanuts are marketed are depressed to low levels. These low prices tend to cause the quantity of peanuts available for marketing in later years to be less than normal, which in turn tends to cause relatively high prices. This fluctuation of prices and marketings of peanuts creates an unstable and chaotic condition in the marketing of peanuts for cleaning and shelling and for crushing for oil in the channels of interstate and foreign commerce. Since these unstable and chaotic conditions have existed for a period of years and are likely, without proper regulation, to continue to exist, it is imperative that the marketing of peanuts for cleaning and shelling and for crushing for oil in interstate and foreign commerce be regulated in order to protect producers, handlers, processors, and consumers. (Feb. 16, 1938, 3 p. m., ch. 30, title III, § 357, as added Apr. 3, 1941, ch. 39, § 1, 55 Stat. 88.)

§ 1358. Marketing quotas.

(a) Between July 1 and December 1 of each calendar year the Secretary shall proclaim the amount of the national marketing quota for peanuts for the crop produced in the next succeeding calendar year in terms of the total quantity of peanuts which

will make available for marketing a supply of peanuts from the crop with respect to which the quota is proclaimed equal to the average quantity of peanuts harvested for nuts during the five years immediately preceding the year in which such quota is proclaimed, adjusted for current trends and prospective demand conditions, and the quota so proclaimed shall be in effect with respect to such crop. The national marketing quota for peanuts for any year shall be converted to a national acreage allotment by dividing such quota by the normal yield per acre of peanuts for the United States determined by the Secretary on the basis of the average yield per acre of peanuts in the five years preceding the year in which the quota is proclaimed, with such adjustments as may be found necessary to correct for trends in yields and for abnormal conditions of production affecting yields in such five years: *Provided*, That the national marketing quota established for the crop produced in the calendar year 1941 shall be a quantity of peanuts sufficient to provide a national acreage allotment of not less than one million six hundred and ten thousand acres, and that the national marketing quota established for any subsequent year shall be quantity of peanuts sufficient to provide a national acreage allotment of not less than 95 per centum of that established for the crop produced in the calendar year 1941.

(b) Not later than December 15 of each calendar year the Secretary shall conduct a referendum of farmers engaged in the production of peanuts in the calendar year in which the referendum is held to determine whether such farmers are in favor of or opposed to marketing quotas with respect to the crops of peanuts produced in the three calendar years immediately following the year in which the referendum is held, except that, if as many as two-thirds of the farmers voting in any referendum vote in favor of marketing quotas, no referendum shall be held with respect to quotas for the second and third years of the period. The Secretary shall proclaim the results of the referendum within thirty days after the date on which it is held, and, if more than one-third of the farmers voting in the referendum vote against marketing quotas, the Secretary also shall proclaim that marketing quotas will not be in effect with respect to the crop of peanuts produced in the calendar year immediately following the calendar year in which the referendum is held. Notwithstanding any other provisions of this section, the Secretary shall proclaim a national marketing quota with respect to the crop of peanuts produced in the calendar year 1941 equal to the minimum quota provided for said year in subsection (a) hereof and shall provide for the holding of a referendum on such quota within thirty days after April 3, 1941, and the State and farm acreage allotments established under the 1941 agricultural conservation program shall be the State and farm acreage allotments for the 1941 crop of peanuts.

(c) The national acreage allotment shall be apportioned among States on the basis of the average acreage of peanuts harvested for nuts in the five years preceding the year in which the national al-

lotment is determined, with adjustments for trends, abnormal conditions of production, and the State peanut-acreage allotment for the crop immediately preceding the crop for which the allotment hereunder is established: *Provided*, That the allotment established for any State for any year subsequent to 1941 shall be not less than 95 per centum of the allotment established for such State for the crop produced in the calendar year 1941: *Provided further*, That for the second or third year of any three-year period in which marketing quotas are in effect the acreage allotment for each State for such year shall be increased above or decreased below the allotment for the State for the immediately preceding year by the same percentage as the national marketing quota for such year is increased above or decreased below the national marketing quota for the preceding year.

(d) The Secretary shall provide for apportionment of the State acreage allotment for any State through local committees among farms on which peanuts were grown in any of the three years immediately preceding the year for which such allotment is determined. Such apportionment shall be made on the basis of the tillable acreage available for the production of peanuts and the past acreage of peanuts on the farm, taking into consideration the peanut-acreage allotments established for the farm under previous agricultural adjustment and conservation programs. Any acreage of peanuts harvested in excess of the allotted acreage for any farm for any year shall not be considered in the establishment of the allotment for the farm until the third year following the year in which such excess acreage is harvested and the total increases made in farm-acreage allotments in any year based on such excess acreage shall not exceed 2 per centum of the national acreage allotment for such year: *Provided*, That in the distribution of such increases based on such excess acreage the total allotments established for new farms shall not be less than 50 per centum of such increases. The amount of the marketing quota for each farm shall be the actual production of the farm-acreage allotment, and no peanuts shall be marketed under the quota for any farm other than peanuts actually produced on the farm. (Feb. 16, 1938, 3 p. m., ch. 30, title III, § 358, as added Apr. 3, 1941, ch. 39, § 1, 55 Stat. 88.)

§ 1359. Marketing penalties.

(a) The marketing of any peanuts in excess of the marketing quota for the farm on which such peanuts are produced, or the marketing of peanuts from any farm for which no acreage allotment was determined, shall be subject to a penalty of 3 cents per pound, except as provided in subsection (b) of this section. Such penalty shall be paid by the person who buys or otherwise acquires the peanuts from the producer, or, if the peanuts are marketed by the producer through an agent, the penalty shall be paid by such agent, and such person or agent may deduct an amount equivalent to the penalty from the price paid to the producer. The Secretary may require collection of the penalty upon a portion of each lot of peanuts marketed from the farm

equal to the proportion which the acreage of peanuts in excess of the farm-acreage allotment is of the total acreage of peanuts on the farm. If the person required to collect the penalty fails to collect such penalty, such person and all persons entitled to share in the peanuts marketed from the farm or the proceeds thereof shall be jointly and severally liable for the amount of the penalty. All funds collected pursuant to this section shall be deposited in a special deposit account with the Treasurer of the United States and such amounts as are determined, in accordance with regulations prescribed by the Secretary, to be penalties incurred shall be transferred to the general fund of the Treasury of the United States. Amounts collected in excess of determined penalties shall be paid to such producers as the Secretary determines, in accordance with regulations prescribed by him, bore the burden of the payment of the amount collected. Such special account shall be administered by the Secretary and the basis for, the amount of, and the producer entitled to receive a payment from such account, when determined in accordance with regulations prescribed by the Secretary, shall be final and conclusive. If, in the course of marketing, any peanuts produced on one farm are falsely identified by a representation that such peanuts were produced on another farm, or, if there is a failure to make a report of the disposition of peanuts available for marketing from any farm, each person participating in the false identification of the peanuts or failing to make a report of the disposition of such peanuts as required by regulations issued by the Secretary shall be subject to a penalty of \$25 for each acre, or fraction thereof, of peanuts harvested in excess of the farm-acreage allotment for the farm on which such peanuts were produced and such penalty shall be in addition to any other penalty due hereunder.

(b) Payment of the penalty of 3 cents per pound upon the marketing of peanuts as provided in subsection (a) above will not be required if such excess peanuts are delivered to and marketed through an agency or agencies designated each year by the Secretary. Any peanuts received under this subsection by such agency shall be sold by such agency for crushing for oil under a sales agreement approved by the Secretary, or for cleaning and shelling at prices not less than those established under any peanut-diversion or peanut-loan program operated by the Secretary. For all peanuts so delivered under this subsection, producers shall be paid for the portion of the lot constituting excess peanuts the market value thereof for crushing for oil as of the date of such delivery, less the estimated cost of storing, handling, and selling such peanuts. Any person who acquires peanuts for crushing for oil under the provisions of this subsection, and who uses or disposes of such peanuts for purposes other than for crushing into oil, shall pay a penalty of 3 cents per pound upon the peanuts so used or disposed of and shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$1,000 or imprisoned for not more than one year, or both. Operations under this subsection

shall be carried on under regulations prescribed by the Secretary, and the operations of any agency designated to receive and market peanuts may be separate from or combined with operations of other agencies.

(c) The provisions of this part shall not apply to peanuts produced on any farm on which the acreage harvested for nuts is one acre or less.

(d) The word "peanuts" wherever used in this chapter means peanuts which are picked and threshed by mechanical means, whether such peanuts are picked and threshed before or after marketing by the producer.

(e) If, in any referendum carried out pursuant to subsection (b) of section 1358, marketing quotas with respect to peanuts are opposed by more than one-third of the farmers voting in such referendum, no peanut-diversion program or peanut loan shall be in effect with respect to the crop produced in the calendar year immediately following that in which the referendum is held. If quotas are approved by not less than two-thirds of the farmers voting in such referendum, either a peanut-diversion program or a peanut-loan program, or both, shall be in effect with respect to the crops of peanuts produced in the three calendar years immediately following the year in which the referendum is held. The Commodity Credit Corporation is directed to make available loans upon peanuts during any marketing year in which marketing quotas are in effect. Such loans shall be made only to producers, farmer cooperatives, and farmer associations, only on the marketing quota for each farm, at rates not less than 50 per centum and not more than 75 per centum of the parity price of peanuts as of the beginning of the marketing year (which parity price shall be on the basis of the formula used in determining the parity price of peanuts as published by the Bureau of Agricultural Economics in *The Agricultural Situation*, volume 25, number 1, January 1941), and the peanuts shall be the sole security for such loans. If a referendum is held in 1941 with respect to the crop produced in 1941, the provisions of this subsection shall apply as though such referendum had been held in the calendar year 1940.

(f) There is hereby authorized to be appropriated, each fiscal year beginning with the fiscal year 1941, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary for the purposes set forth in this part and for the expenses of administering this part.

(g) The provisions of this section shall not apply to nor interfere with the inauguration or the operation of any program approved by the Secretary pursuant to authority contained in existing law designed to establish new uses for peanuts and peanut products or expand markets for peanuts and peanut products. (Feb. 16, 1938, 3 p. m., ch. 30, title III, § 359, as added Apr. 3, 1941, ch. 39, § 1, 55 Stat. 90.)

C. ADMINISTRATIVE PROVISIONS

PART I—PUBLICATION AND REVIEW OF QUOTAS

§ 1361. Application of Part.

This Part shall apply to the publication and review of farm marketing quotas established for tobacco,

corn, wheat, cotton, peanuts, and rice, established under sections 1311-1356 of this title. (As amended Apr. 3, 1941, ch. 39, § 4, 55 Stat. 92.)

AMENDMENTS

1941—Act April 3, 1941, cited to text, inserted "peanuts," after "cotton."

PART II—ADJUSTMENT OF QUOTAS AND ENFORCEMENT

§ 1371. General adjustment of quotas—(a) Investigation and adjustment to maintain normal supply.

If at any time the Secretary has reason to believe that in the case of corn, wheat, cotton, rice, peanuts, or tobacco the operation of farm marketing quotas in effect will cause the amount of such commodity which is free of marketing restrictions to be less than the normal supply for the marketing year for the commodity then current, he shall cause an immediate investigation to be made with respect thereto. In the course of such investigation due notice and opportunity for hearing shall be given to interested persons. If upon the basis of such investigation the Secretary finds the existence of such fact, he shall proclaim the same forthwith. He shall also in such proclamation specify such increase in, or termination of, existing quotas as he finds, on the basis of such investigation, is necessary to make the amount of such commodity which is free of marketing restrictions equal the normal supply.

(b) Adjustment because of emergency or export demand.

If the Secretary has reason to believe that, because of a national emergency or because of a material increase in export demand, any national marketing quota for corn, wheat, cotton, rice, peanuts, or tobacco should be increased or terminated, he shall cause an immediate investigation to be made to determine whether the increase or termination is necessary in order to effectuate the declared policy of this chapter or to meet such emergency or increase in export demand. If, on the basis of such investigation, the Secretary finds that such increase or termination is necessary, he shall immediately proclaim such finding (and if he finds an increase is necessary, the amount of the increase found by him to be necessary) and thereupon such quota shall be increased, or shall terminate, as the case may be. (As amended Apr. 3, 1941, ch. 39, § 5, 55 Stat. 92.)

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AMENDMENTS

1941—Subsecs. (a) and (b) were amended by act April 3, 1941, cited to text.

§ 1373. Reports and records—(a) Persons reporting.

This subsection shall apply to warehousemen, processors, and common carriers of corn, wheat, cotton, rice, peanuts, or tobacco, and all ginners of cotton, all persons engaged in the business of purchasing corn, wheat, cotton, rice, peanuts, or tobacco from producers, all persons engaged in the business of redrying, prizing, or stemming tobacco for producers, all brokers and dealers in peanuts, all agents marketing peanuts for producers, or acquiring peanuts for buyers and dealers, and all peanut growers' cooperative associations, all persons engaged in the

business of cleaning, shelling, crushing, and salting of peanuts and the manufacture of peanut products, and all persons owning or operating peanut-picking or peanut-threshing machines. Any such person shall, from time to time on request of the Secretary, report to the Secretary such information and keep such records as the Secretary finds to be necessary to enable him to carry out the provisions of this subchapter. Such information shall be reported and such records shall be kept in accordance with forms which the Secretary shall prescribe. For the purpose of ascertaining the correctness of any report made or record kept, or of obtaining information required to be furnished in any report, but not so furnished, the Secretary is hereby authorized to examine such books, papers, records, accounts, correspondence, contracts, documents, and memoranda as he has reason to believe are relevant and are within the control of such person. Any such person failing to make any report or keep any record as required by this subsection or making any false report or record shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than \$500; and any tobacco warehouseman or dealer who fails to remedy such violation by making a complete and accurate report or keeping a complete and accurate record as required by this subsection within fifteen days after notice to him of such violation shall be subject to an additional fine of \$100 for each ten thousand pounds of tobacco, or fraction thereof, bought or sold by him after the date of such violation: *Provided*, That such fine shall not exceed \$5,000; and notice of such violation shall be served upon the tobacco warehouseman or dealer by mailing the same to him by registered mail or by posting the same at any established place of business operated by him, or both.

(b) Proof of acreage yield.

Farmers engaged in the production of corn, wheat, cotton, rice, peanuts, or tobacco for market shall furnish such proof of their acreage, yield, storage, and marketing of the commodity in the form of records, marketing cards, reports, storage under seal, or otherwise as the Secretary may prescribe as necessary for the administration of this title. (As amended Apr. 3, 1941, ch. 39, §§ 6, 7, 55 Stat. 92.)

* * * * *

AMENDMENTS

1941—Subsecs. (a) and (b) were amended by sections 6 and 7, respectively, of act April 3, 1941, cited to text

§ 1374. Measurement of farms and report of plantings.

The Secretary shall provide, through the county and local committees, for measuring farms on which corn, wheat, cotton, peanuts, or rice is produced and for ascertaining whether the acreage planted for any year to any such commodity is in excess of the farm acreage allotment for such commodity for the farm under this subchapter. If in the case of any farm the acreage planted to any such commodity on the farm is in excess of the farm acreage allotment for such commodity for the farm, the committee shall file with the State committee a written

report stating the total acreage on the farm in cultivation and the acreage planted to such commodity. (As amended Apr. 3, 1941, ch. 39, § 8, 55 Stat. 92c.)

AMENDMENTS

1941—Act April 3, 1941, cited to text, inserted "peanuts," after "cotton,".

§ 1375. Regulations.

(a) The Secretary shall provide by regulations for the identification, wherever necessary, of corn, wheat, cotton, rice, peanuts, or tobacco so as to afford aid in discovering and identifying such amounts of the commodities as are subject to and such amounts thereof as are not subject to marketing restrictions in effect under this subchapter. (As amended Apr. 3, 1941, ch. 39, § 9, 55 Stat. 92.)

* * * * *

AMENDMENTS

1941—Subsec. (a) was amended by act April 3, 1941, cited to text.

Chapter 36.—CROP INSURANCE

§ 1502. Declaration of purpose.

It is the purpose of this chapter to promote the national welfare by alleviating the economic distress caused by crop failures due to drought and other causes, by maintaining the purchasing power of farmers, and by providing for stable supplies of agricultural commodities for domestic consumption and the orderly flow thereof in interstate commerce. (As amended June 21, 1941, ch. 214, § 1, 55 Stat. 255.)

AMENDMENTS

1941—Act June 21, 1941, cited to text, substituted "crop" for "wheat-crop" and "agricultural commodities" for "wheat"

§ 1506. General powers of Corporation.

* * * * *

(h) may conduct researches, surveys, and investigations relating to crop insurance, and preparatory to the application of the chapter to other basic commodities when so provided by law, shall assemble data relative to field corn, for the purpose of establishing a satisfactory actuarial basis for such commodity. (As amended June 21, 1941, ch. 214, § 2, 55 Stat. 255.)

* * * * *

AMENDMENTS

1941—Subsec. (h) was amended by act June 21, 1941, cited to text, which substituted for "for wheat and other agricultural commodities" the words "and preparatory to the application of the chapter to other basic commodities when so provided by law, shall assemble data relative to field corn, for the purpose of establishing a satisfactory actuarial basis for such commodity."

§ 1508. Agricultural commodity crop insurance.

* * * * *

(a) Insurance against loss authorized; terms and conditions.

Commencing with the wheat crop planted for harvest in 1939 and with the cotton crop planted for harvest in 1942 to insure, upon such terms and

conditions not inconsistent with the provisions of this chapter as it may determine, producers of the agricultural commodity against loss in yields of the agricultural commodity due to unavoidable causes, including drought, flood, hail, wind, winter-kill, lightning, tornado, insect infestation, plant disease, and such other unavoidable causes as may be determined by the Board: *Provided, however,* That for the first three years of operation under this chapter contracts of insurance shall not be made for periods longer than one year: *Provided further,* That the Corporation may, upon such terms and conditions as it shall determine, accept payments from producers in any year to be applied toward premiums on their insurance contracts for the current and next succeeding year. Such insurance shall not cover losses due to the neglect or malfeasance of the producer or to the failure of the producer to reseed in areas and under circumstances where it is customary to reseed. Such insurance shall cover not less than 50 or more than 75 per centum, to be determined by the Board, of the recorded or appraised average yield of the agricultural commodity on the insured farm for a representative base period subject to such adjustments as the Board may prescribe to the end that the average yields fixed for farms in the same area, which are subject to the same conditions, may be fair and just. The Board may condition the issuance of such insurance in any county or area upon a minimum amount of participation in a program of crop insurance formulated pursuant to this chapter.

(b) Premiums.

To fix adequate premiums for such insurance, payable either in the agricultural commodity or cash equivalent as of the due date thereof, on the basis of the recorded or appraised average crop loss of the agricultural commodity on the insured farm for a representative base period subject to such adjustments as the Board may prescribe to the end that the premiums fixed for farms in the same area, which are subject to the same conditions, may be fair and just. Such premiums shall be collected at such time or times, in such manner, and upon such security as the Board may determine.

(c) Payment of claims; actions on claims.

To adjust and pay claims for losses either in the agricultural commodity or in cash equivalent under rules prescribed by the Board. In the event that any claim for indemnity under the provisions of this chapter is denied by the Corporation an action on such claim may be brought against the Corporation in the district court of the United States in and for the district in which the insured farm is located, and exclusive jurisdiction is hereby conferred upon such courts to determine such controversies without regard to the amount in controversy: *Provided,* That no suit on such claim shall be allowed under this section unless the same shall have been brought within one year after the date when notice of denial of the claim is mailed to the claimant.

(d) Purchase and sale of agricultural commodity.

From time to time, in such manner and through such agencies as the Board may determine, to purchase, handle, store, insure, provide storage facilities for, and sell the agricultural commodity, and pay any expenses incidental thereto, it being the intent of this provision, however, that, insofar as practicable, the Corporation shall purchase the agricultural commodity only at the rate and to a total amount equal to the payment of premiums in cash by farmers or to replace promptly the agricultural commodity sold to prevent deterioration; and shall sell the agricultural commodity only to the extent necessary to cover payments of indemnities and to prevent deterioration: *Provided, however,* That nothing in this section shall prevent prompt offset purchases and sales of the agricultural commodity for convenience in handling. Nothing in this section shall prevent the Corporation from accepting, for the payment of premiums, notes payable in the commodity insured, or the cash equivalent, upon such security as may be determined pursuant to subsection (b) of this section, and from purchasing the quantity of the commodity represented by any of such notes not paid at maturity. The restriction on the purchase and sale of the agricultural commodity provided in this section shall be made a part of any crop insurance agreement made under this chapter. Notwithstanding any provision of this chapter, there shall be no limitation upon the legal or equitable remedies available to the insured to enforce against the Corporation the foregoing restriction with respect to purchases and sales of the agricultural commodity.

(e) In connection with insurance upon yields of cotton, to include provision for additional premium and indemnity in terms of lint cotton to cover loss of cottonseed, such additional premium and indemnity to be determined on the basis of the average relationship between returns from cottonseed and returns from lint cotton for the same period of years as that used for computing yields and premium rates. (As amended June 21, 1941, ch. 214, §§ 3-7, 10, 55 Stat. 255, 256.)

AMENDMENTS

1941—Subsec. (a) was amended by act June 21, 1941, cited to text, which struck out comma following "1939" and inserted in lieu thereof "and with the cotton crop planted for harvest in 1942;" struck out the words "producers of wheat against loss in yields of wheat" and sub-

stituted in lieu thereof "producers of the agricultural commodity against loss in yields of the agricultural commodity" in the first sentence; and substituted "the agricultural commodity" for "wheat" in the third sentence.

Subsecs. (b), (c), (d) were amended by act June 21, 1941, cited to text, which substituted the words "the agricultural commodity" for "wheat" throughout, and in subsec. (d) second sentence was inserted.

Subsec. (e) was added by act June 21, 1941, cited to text.

§ 1516. Appropriations and regulations.

(a) There are hereby authorized to be appropriated such sums, not in excess of \$12,000,000 for each fiscal year beginning after June 30, 1938, as may be necessary to cover the operating and administrative costs of the Corporation, which shall be allotted to the Corporation in such amounts and at such time or times as the Secretary of Agriculture may determine: *Provided,* That expenses in connection with the purchase, transportation, handling, or sale of the agricultural commodity may be considered by the Corporation as being nonadministrative or nonoperating expenses. For the fiscal year ending June 30, 1939, the appropriation authorized under this subsection is authorized to be made only out of the unexpended balances for the fiscal year ending June 30, 1938, of the sums appropriated pursuant to section 1500 of Title 16, as amended. (As amended June 21, 1941, ch. 214, §§ 6, 8, 55 Stat. 255, 256.)

* * * * *

AMENDMENTS

1941—Subsec. (a) was amended by act June 21, 1941, cited to text, which substituted the words "the agricultural commodity" for "wheat," and substituted "\$12,000,000" for "\$6,000,000."

§ 1518. Agricultural commodity defined.

"Agricultural commodity", as used in this chapter, means wheat or cotton, or both, as the context may indicate. (Feb. 16, 1938, 3 p. m., ch. 30, title V, § 518, as added June 21, 1941, ch. 214, § 9, 55 Stat. 256.)

FORMER SECTION 1518 RENUMBERED

Former section 1518 was renumbered by act June 21, 1941, cited to text and now constitutes section 1519 of this title.

§ 1519. Amendment or repeal.

The right to alter, amend, or repeal this chapter is hereby reserved. (Feb. 16, 1938, 3 p. m., ch. 30, title V, § 518, 52 Stat. 77; renumbered § 519, June 21, 1941, ch. 214, § 9, 55 Stat. 256.)

TITLE 8.—ALIENS AND NATIONALITY

Chapter 5.—ALIEN OWNERSHIP OF LAND

§ 83. Public lands in Hawaii; right to acquire in general.

CROSS REFERENCES

Ratification of Hawaiian realty transactions consummated on or before November 25, 1941, see section 664a of Title 48, Territories and Insular Possessions.

Chapter 6.—IMMIGRATION

IMMIGRATION AND NATURALIZATION SERVICE, IMMIGRATION OFFICERS, AND IMMIGRATION STATIONS

§ 117. Use of hospital at Ellis Island by Public Health Service.

The Immigration and Naturalization Service shall permit the Public Health Service to use the hospitals at Ellis Island Immigration Station for the care of Public Health Service patients free of expense for physical upkeep, but with a charge of actual cost of fuel, light, water, telephone, and similar supplies and services, to be covered into the proper Immigration Service appropriations; and money collected by the Immigration Service on account of hospital expenses of persons detained in hospitals of the Public Health Service under the immigration laws and regulations shall be covered into the Treasury as miscellaneous receipts. (As amended July 1, 1941, ch. 269, title II, 55 Stat. 481.)

QUOTA AND NONQUOTA IMMIGRANTS

§ 213. Compliance with immigration requirements; persons ineligible to citizenship; penalties.

CROSS REFERENCES

Refusal of visas to aliens whose admission might endanger the public safety of the United States, see section 228 of Title 22, Foreign Relations and Intercourse.

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Chapter 10.—ALIEN REGISTRATION

§ 457. Penalties.

* * * * *

(d) Any person who with unlawful intent photographs, prints, or in any other manner makes, or executes, any engraving, photograph, print, or impression in the likeness of an alien registration receipt card or any colorable imitation thereof, except when and as authorized under such rules and regulations as may be prescribed by the Attorney General, shall upon conviction, be fined not to exceed \$5,000 or be imprisoned not more than five years, or both. (As amended Oct. 13, 1941, ch. 432, 55 Stat. 736.)

AMENDMENTS

1941—Subsec. (d) was added by act Oct 13, 1941, cited to text.

Chapter 11.—NATIONALITY CODE

SUBCHAPTER IV.—LOSS OF NATIONALITY

§ 809. Nationality not to be lost under section 804 or 807 until October, 1942.

Nationality shall not be lost under the provisions of section 804 or 807 of this chapter until the expiration of two years following October 14, 1940: *Provided, however,* That a naturalized person who shall have become subject to the presumption that he has ceased to be an American citizen as provided for in the second paragraph of section 17 of this title, and who shall not have overcome it under the rules in effect immediately preceding October 14, 1940, shall continue to be subject to such presumption for the period of two years following October 14, 1940, unless it is overcome during such period. (As amended Oct. 16, 1941, ch. 446, 55 Stat. 743.)

AMENDMENTS

1941—Act Oct. 16, 1941, cited to text, extended time specified in section from one to two years after October 14, 1940.

TITLE 10.—ARMY

Chapter 1.—COMPOSITION, ORGANIZATION, AND GOVERNMENT OF THE ARMY GENERALLY

§ 2. Composition of Army of United States.

The Army of the United States shall consist of the Regular Army, the National Guard of the United States, the National Guard while in the service of the United States, the Officers' Reserve Corps, the Organized Reserves, and the Enlisted Reserve Corps, and shall include persons inducted into the land forces of the United States under sections 301-318 of Appendix to Title 50. (As amended Dec. 13, 1941, ch. 571, § 3, 55 Stat. 800.)

AMENDMENTS

1941—Act Dec. 13, 1941, cited to text, extended provisions of section to include persons inducted under the Selective Training and Service Act of 1940, sections 301-318 of Appendix to Title 50, War.

Chapter 6.—QUARTERMASTER CORPS

§ 71. Composition of Quartermaster Corps.

CROSS REFERENCES

Officers in Construction Division of Quartermaster Corps transferred to Corps of Engineers, see section 181b of this title.

§ 72. Duties of Quartermaster General.

CROSS REFERENCES

Transfer of many of duties specified in this section to Chief of Engineers, see section 181b of this title.

Chapter 9.—CORPS OF ENGINEERS

Sec.

181b. Chief of Engineers; additional duties; transfer of officers (New).

§ 181. Composition of Corps of Engineers; organization into tactical units.

CROSS REFERENCES

Officers in Construction Division of Quartermaster Corps transferred to Corps of Engineers, see section 181b of this title.

§ 181b. Chief of Engineers; additional duties; transfer of officers.

The Chief of Engineers, under the authority of the Secretary of War, is hereby charged, in addition to other duties imposed upon him by law, with the direction of all work pertaining to the construction, maintenance, and repair of buildings, structures, and utilities for the Army; with the acquisition of all real estate and the issuance of licenses in connection with Government reservations; and with the operation of water, gas, electric, and sewer utilities: *Provided*, That utilities pertaining exclusively to any branch of the Army may be operated by such branch: *Provided, however*, That all officers in the Construction Division of the Quartermaster Corps now on duty in that branch shall come under the command of the Chief of Engineers in their present rank and subject to all permanent and temporary

advances in rank that may be accorded officers in the Corps of Engineers, without additional examinations of any kind. (Dec. 1, 1941, ch. 552, § 1, 55 Stat. 787.)

TRANSFER OF PROPERTY, PERSONNEL, ETC., REPEALS

Sections 2 and 3 of act Dec. 1, 1941, cited to text, provided as follows:

"Sec. 2. All funds, property, and records pertaining to the activities described in section 1, and all civilian personnel engaged solely thereon, shall be transferred to the jurisdiction of the Chief of Engineers.

"Sec. 3. All laws and parts of laws which are inconsistent herewith or in conflict with the provisions hereof are hereby repealed."

PRIOR LAWS

Duties imposed by this section were formerly charged to the Quartermaster General by act June 3, 1916, ch. 134, § 9, 39 Stat. 170, as amended June 4, 1920, ch. 227, subch. I, § 9, 41 Stat. 766, which constitutes section 72 of this title

§ 187. Employment of additional technical and clerical personnel.

REPEATED.—Act June 30, 1941, 6:20 p. m., E. S. T., ch. 262, § 1, 55 Stat. 390.

Chapter 13.—CHAPLAINS

§ 234. Chief of chaplains; appointment, rank, term of office, and duties.

TEMPORARY RANK OF BRIGADIER GENERAL FOR NATIONAL EMERGENCY

Act Nov. 21, 1941, ch. 493, 55 Stat. 779, provided: "That during the unlimited national emergency declared by the President on May 27, 1941 (Proc. No. 2487, set out in note preceding section 1 of Appendix to Title 50, War), and for six months after the termination thereof, the Chief of Chaplains shall be entitled to hold the temporary rank of brigadier general, and shall receive the pay and allowances of a brigadier general while serving in such grade."

Sec

296a. Same; establishment for aviation cadets (New).

297a. Enlisted grade of aviation cadet; "flying cadet" to mean "aviation cadet" (New)

298a-1. Detail of enlisted men for instruction as aviation students (New).

304a. Same; uniforms upon commissioning (New).

304b. Traveling expenses for aviation cadets (New).

308a. Government life insurance for aviation cadets (New).

§ 291. Establishment and composition of Air Corps.

The Air Corps shall consist of one Chief of the Air Corps, with the rank of major general; three assistants, with the rank of brigadier general; three thousand two hundred and three officers, in grades from colonel to second lieutenant, inclusive, exclusive of officers detailed from other arms and services for training and duty as aircraft observers and other members of combat crews; and forty-five thousand enlisted men, including not to exceed two thousand five hundred aviation cadets, such part

of whom as the President may direct being formed into tactical units or bands, organized as he may prescribe. (As amended June 3, 1941, ch. 165, § 1, 55 Stat. 239.)

AMENDMENTS

1941—Upon authority of act June 3, 1941, cited to text, "flying cadets" was changed to "aviation cadets."

§ 291d. Rating as pilot in time of peace; qualifications.

In order to receive a rating as a pilot in time of peace an officer or an enlisted man, except an aviation cadet, must fly in heavier-than-air craft at least two hundred hours while acting as a pilot, seventy-five of which must be alone, and must successfully complete the course prescribed by competent authority. (As amended June 3, 1941, ch. 165, § 1, 55 Stat. 239.)

AMENDMENTS

1941—Upon authority of act June 3, 1941, cited to text, "a flying cadet" was changed to "an aviation cadet."

§ 296a. Same; establishment for aviation cadets.

The Secretary of War is authorized and directed to establish and maintain one or more schools for the training and instruction of aviation cadets. (June 3, 1941, ch. 165, § 2, 55 Stat. 239.)

REPEAL

All laws and parts thereof in conflict with act June 3, 1941, cited to text, were repealed by section 7 of said act.

§ 297. Aviation students enlisted or appointed as aviation cadets.

Aviation students shall be enlisted in or appointed to the grade of aviation cadet. (July 11, 1919, ch. 8, 41 Stat. 109; June 3, 1941, ch. 165, § 1, 55 Stat. 239.)

AMENDMENTS

1941—Upon authority of act June 3, 1941, cited to text, grade of flying cadet was changed to aviation cadet.

§ 297a. Enlisted grade of aviation cadet; "flying cadet" to mean "aviation cadet."

The grade of aviation cadet is hereby created as a special and separate enlisted grade in the Air Corps, Regular Army, in substitution for the grade of flying cadet, created by the Act approved July 11, 1919, entitled "An Act making appropriations for the support of the Army for the fiscal year ending June 30, 1920, and for other purposes". Wherever, in any Act of Congress, the designation "flying cadet" shall appear, it shall be construed to mean aviation cadet. (July 11, 1919, ch. 8, 41 Stat. 109; June 3, 1941, ch. 165, § 1, 55 Stat. 239.)

REPEAL

All laws and parts thereof in conflict with act June 3, 1941, cited to text, were repealed by section 7 of said act.

§ 298a. Detail of personnel for training in specialties incident to aviation.

When the facilities of the Army for instruction and training in aviation are deemed by the Secretary of War to be insufficient he may, under such regulations as he may prescribe, and without reference to any limitation contained in section 535 of this title, detail personnel of the Army of the United States as students of any technical, professional, or other educational institution, or as students, observers, or investigators at such industrial plants or other places

as shall be best suited to enable such personnel to acquire a knowledge of or experience in the specialties incident to aviation in which the training of such personnel is essential: *Provided*, That no expense shall be incurred by the United States in addition to the authorized emoluments of the personnel so detailed except for the cost of tuition at such educational institutions, and the cost of maintenance of necessary personnel who may be detailed as supervisors or inspectors and of the equipment assigned to them for their official use: *Provided further*, That the tuition for the personnel during the period of their detail may be paid from any funds which may hereafter be made available for the procurement branches. (As amended July 3, 1941, ch. 275, 55 Stat. 577.)

AMENDMENTS

1941—"Army of the United States" was substituted for "Regular Army" by act July 3, 1941, cited to text

§ 298a-1. Detail of enlisted men for instruction as aviation students.

The Secretary of War is authorized, under such regulations as he may prescribe, to cause the detail of enlisted men of the Regular Army and of other components of the Army of the United States in active Federal service for training and instruction as aviation students, in their respective grades, in such numbers and schools as he shall direct: *Provided*, That enlisted men so detailed as aviation students who are undergoing courses of instruction which require them to participate regularly and frequently in aerial flights shall be issued Government life insurance in the amount of \$10,000 under sections 801-818 of Title 38, except that the premiums shall be paid by the Government during the period such enlisted men are undergoing training and instruction, and upon completion of training and instruction as aviation students they shall have the option of continuing such policies at their own expense: *And provided further*, That nothing herein shall be construed as repealing or otherwise affecting existing statutory authorizations for the appointment and training of aviation students or aviation cadets. (June 3, 1941, ch. 167, 55 Stat. 241.)

§ 299. Enlistment of aviation cadets; agreement to serve after completing course; commissions; discharge.

Under such regulations as the Secretary of War may prescribe, male citizens of the United States may enlist as aviation cadets, and enlisted men in the Regular Army may be appointed by the Secretary of War as aviation cadets. Each aviation cadet shall, at the time of his enlistment or appointment as such, be required to sign an agreement that upon his successful completion of the prescribed course of training and instruction as an aviation cadet he will accept a commission as second lieutenant, Air Corps Reserve, and will serve as such for a continuous period of three years on active duty, unless sooner released: *Provided*, That in the case of a minor, such agreement shall be signed with the consent of his parents or guardian. Upon the successful completion of such prescribed course of training and instruction, each aviation cadet shall be commis-

sioned as a second lieutenant, Air Corps Reserve, and upon the completion of such period of three years on active duty each such second lieutenant shall be promoted to the grade of first lieutenant, Air Corps Reserve. The Secretary of War may at any time discharge any aviation cadet or release from active duty any such officer in the Air Corps Reserve. (July 11, 1919, ch. 8, 41 Stat. 109; June 3, 1941, ch. 165, § 3, 55 Stat. 239.)

REPEAL

All laws and parts thereof in conflict with act June 3, 1941, cited to text, were repealed by section 7 of said act.

§ 300a. Air Corps Reserve officers; lump sum payment upon release from active duty.

Whenever any Air Corps Reserve officer who has not been selected for commission in the Regular Army is released from active duty that has been continuous for one or more years, he shall be paid a lump sum of \$500 for each complete year of active service as such officer, and if released from active duty otherwise than upon his own request, or as a result of inefficient or unsatisfactory service as determined by the Secretary of War, such lump-sum payment shall be prorated for fractional parts of each year of such active service. The lump-sum payments herein authorized shall be in addition to any pay, allowances, compensation, or benefits which such officers may otherwise be entitled to receive. (As amended June 3, 1941, ch. 165, § 6, 55 Stat. 240.)

REPEAL

All laws and parts thereof in conflict with act June 3, 1941, cited to text, were repealed by section 7 of said act.

§ 303. Base pay of aviation cadets.

The base pay of any aviation cadet shall be \$75 per month, which pay shall include extra pay for flying risk, as provided by law. (July 11, 1919, ch. 8, 41 Stat. 109; June 3, 1941, ch. 165, § 4, 55 Stat. 240.)

REPEAL

All laws and parts thereof in conflict with act June 3, 1941, cited to text, were repealed by section 7 of said act.

§ 304. Allowances for aviation cadets; longevity pay.

Aviation cadets shall be paid, in addition, a money allowance for subsistence of \$1 per day and shall, while undergoing training, be furnished quarters, medical care, and hospitalization and shall be issued uniforms, clothing, and equipment at Government expense. No aviation cadet shall be entitled to receive longevity pay. (July 11, 1919, ch. 8, 41 Stat. 109; June 3, 1941, ch. 165, § 4, 55 Stat. 240.)

REPEAL

All laws and parts thereof in conflict with act June 3, 1941, cited to text, were repealed by section 7 of said act.

§ 304a. Same; uniforms upon commissioning.

When commissioned as second lieutenants, Air Corps Reserve, pursuant to section 299 of this title, aviation cadets shall be paid a uniform allowance of \$150. (June 3, 1941, ch. 165, § 4, 55 Stat. 240.)

REPEAL

All laws and parts thereof in conflict with act June 3, 1941, cited to text, were repealed by section 7 of said act.

§ 304b. Traveling expenses for aviation cadets.

While traveling under orders, aviation cadets shall, under such regulations as the Secretary of War may prescribe, receive transportation and reimbursement for necessary expenses incurred which are incident to such travel, or cash in lieu thereof. When traveling by air under competent orders, they shall receive the same allowances for traveling expenses as are now or may hereafter be authorized by law for officers of the Army. (June 3, 1941, ch. 165, § 4, 55 Stat. 240.)

REPEAL

All laws and parts thereof in conflict with act June 3, 1941, cited to text, were repealed by section 7 of said act.

§ 308a. Government life insurance for aviation cadets.

Aviation cadets shall be issued Government life insurance in the amount of \$10,000, the premiums on which shall be paid by the Government. Upon being commissioned as second lieutenants, Air Corps Reserve, they shall have the option of continuing such policies at their own expense. (June 3, 1941, ch. 165, § 5, 55 Stat. 240.)

REPEAL

All laws and parts thereof in conflict with act June 3, 1941, cited to text, were repealed by section 7 of said act.

§ 310. Encouragement of aviation.

CONTRACTS FOR PURCHASE OF AIRCRAFT; AWARD TO LOWEST RESPONSIBLE BIDDER; MULTIPLE AWARDS

Act Mar 5, 1940, ch. 44, 54 Stat. 45, was extended during the fiscal year 1942 by act June 30, 1941, ch. 262, § 1, 55 Stat. 379.

Chapter 20.—RESERVE FORCES

INJURIES IN LINE OF DUTY

Sec.

456a. Injuries in line of duty in active military service on or after February 28, 1925; retirement pay; hospital benefits (New).

OFFICERS' RESERVE CORPS

§ 358. Period of service; right to discharge on termination of war.

CROSS REFERENCES

Extension of appointment during war, see section 732 of Appendix to Title 50, War.

§ 364. Right of Reserve officers to retirement and retired pay.

CROSS REFERENCES

Retirement pay to certain reserve officers, see sections 456 and 456a of this title.

§ 365. Pensions in cases of disability.

CROSS REFERENCES

Hospital benefits to certain reserve officers, see sections 456 and 456a of this title.

§ 369. Ordering Reserve officers to active duty.

CROSS REFERENCES

Additional compensation for active service in excess of twelve months, see section 358 of Appendix to Title 50, War.

ENLISTED RESERVE CORPS

§ 424. Period of enlistment.

CROSS REFERENCES

Extension of enlistment during war, see section 732 of Appendix to Title 50, War.

INJURIES IN LINE OF DUTY

§ 456. Injuries in line of duty in active military service; pensions; compensation; retirement pay; hospital benefits.

All officers, warrant officers, and enlisted men of the Army of the United States, other than the officers and enlisted men of the Regular Army, if called or ordered into the active military service by the Federal Government for extended military service in excess of thirty days, other than for service with the Civilian Conservation Corps, and who suffer disability or death in line of duty from disease or injury while so employed shall be deemed to have been in the active military service during such period and shall be in all respects entitled to receive the same pensions, compensation, retirement pay, and hospital benefits as are now or may hereafter be provided by law or regulation for officers and enlisted men of corresponding grades and length of service of the Regular Army, including for their dependents the benefits of section 903 of this title, as amended. (As amended Dec. 10, 1941, ch. 562, 55 Stat. 796.)

AMENDMENTS

1941—Act Dec. 10, 1941, cited to text, added at end of section words "including for their dependents the benefits of section 903 of this title, as amended."

EFFECTIVE DATE

Amendment by act Dec. 10, 1941, cited to text, was made effective as of Aug. 27, 1940.

§ 456a. Injuries in line of duty in active military service on or after February 28, 1925; retirement pay; hospital benefits.

Reserve officers, Army of the United States, who were called or ordered into the active military service by the Federal Government for extended military service in excess of thirty days on or subsequent to February 28, 1925, other than for service with the Civilian Conservation Corps, and who are now disabled from disease or injury contracted or received in line of duty while so employed, shall be deemed to have been in the active military service during such period and shall be in all respects entitled to receive the same retirement pay and hospital benefits as are now or may hereafter be provided by law or regulation for officers of corresponding grades and length of service of the Regular Army. (Sept. 26, 1941, ch. 425, § 1, 55 Stat. 733.)

CROSS REFERENCES

Administrative duties in connection with payments authorized by this section are set forth in section 12 of Title 38, Pensions, Bonuses, and Veterans' Relief.

Benefits for reserve officers when injured in line of duty during time of peace, see sections 797 and 798 of Title 5, Executive Departments and Government Officers and Employees.

Chapter 21.—COMMISSIONED OFFICERS

DISMISSAL OR OTHER TERMINATION OF OFFICE

Sec.

576a. Same; office of Federal Works Administrator (New).

GENERAL PROVISIONS

§ 482a. Authorized number of officers in the several branches of the Army.

CROSS REFERENCES

Officers in Construction Division of Quartermaster Corps transferred to Corps of Engineers, see section 181b of this title.

§ 484. Appointments in grade of second lieutenant.

TEMPORARY APPOINTMENT OF OFFICERS DURING PRESENT EMERGENCY

Res. Sept. 22, 1941, ch. 414, 55 Stat. 728, provided: "That during the present emergency, temporary appointments as officers in the Army of the United States may be made, under such regulations as the President may prescribe, from among qualified persons without appointing such persons as officers in any particular component of the Army of the United States. All persons so appointed as officers shall be commissioned in the Army of the United States and may be ordered into the active military service of the United States to serve therein for such periods of time as the President may prescribe. Such appointments in grades below that of brigadier general shall be made by the President alone, and general officers by and with the advice and consent of the Senate. *Provided*, That any appointment made under the provisions of this Act may be vacated at any time by the President and, if not sooner vacated, shall continue during the present emergency and six months thereafter: *Provided further*, That any person appointed as an officer in the Army of the United States under the provisions of this Act shall receive the same pay and allowances and be entitled to the same rights, privileges, and benefits as members of the Officers' Reserve Corps of the same grade and length of active service: *And provided further*, That nothing contained in this Act shall be construed to prohibit the appointment of officers in the various components of the Army of the United States in accordance with existing laws."

CROSS REFERENCES

Temporary rank in time of war or national emergency, see section 513 of this title.

DETACHED DUTY

§ 535. Detail of officers and enlisted men as students, observers, and investigators.

The Secretary of War is authorized, in his discretion, to detail not to exceed 2 per centum of the commissioned officers and 2 per centum of the enlisted men of the Regular Army in any fiscal year as students at such technical, professional, and other educational institutions, or as students, observers, or investigators at such industrial plants, hospitals, and other places as shall be best suited to enable such officers or enlisted men to acquire a knowledge of or experience in the specialties in which it is deemed necessary that such officers or enlisted men shall perfect themselves. The number of officers so detailed shall, as far as practicable, be distributed proportionately among the various branches: *Provided*, That no expense shall be incurred by the United States in addition to pay and allowances of the officers or enlisted men so detailed, except for the cost of tuition at such technical, professional, and other educational institutions: *And provided further*, That the allowances and tuition for enlisted men during the period of such detail may be paid from any funds appropriated for or allotted to the procurement

branches: *And provided further*, That the Secretary of War may fix the length of enlistments for this purpose at three years or less, and the total length of detail of an enlisted man shall not exceed 50 per centum of his enlistment period. (As amended May 13, 1941, ch. 113, 55 Stat. 189; June 30, 1941, 6:20 p. m., E. S. T., ch. 262, § 1, 55 Stat. 369.)

AMENDMENTS

1941—Acts May 13, 1941, and June 30, 1941, cited to text, both amended section by substituting “2 per centum” for “one-half of 1 per centum” before “of the enlisted men of the Regular Army.”

§ 541. Detail of officers for foreign service of Department of State.

REPEATED—Act June 28, 1941, ch. 258, title I, 55 Stat. 277.

DISMISSAL OR OTHER TERMINATION OF OFFICE

§ 571. Annual classification; retirement or discharge of officers in class B.

SUSPENSION OF SECTION

Act July 29, 1941, ch. 326, § 1, 55 Stat. 606, suspended this section during the national emergency announced by the President on May 27, 1941.

REMOVAL OF OFFICERS FROM ACTIVE LIST DURING NATIONAL EMERGENCY

Act July 29, 1941, ch. 326, § 2, 55 Stat. 606, provided: “That during the time of the national emergency announced by the President on May 27, 1941, the Secretary of War, for such causes and under such regulations as he may prescribe, may remove any officer from the active list of the Regular Army: *Provided*, That such removal be made from among officers whose performance of duty, or general efficiency, compared with other officers of the same grade and length of service, is such as to warrant such action, or whose retention on the active list is not justified for other good and sufficient reasons appearing to the satisfaction of the Secretary of War: *Provided further*, That each officer so removed from the active list shall have been recommended for removal by a board of not less than five general officers convened for this purpose by the Secretary of War: *Provided further*, That such officer is allowed a hearing before said board. The action of the Secretary of War in removing an officer from the active list shall be final and conclusive. Officers removed from the active list who have less than seven completed years of commissioned service at the time of removal shall be honorably discharged. Officers removed from the active list who have seven or more completed years of commissioned service at the time of removal shall be retired with retirement pay computed as follows: Any officer so retired who has over thirty years’ service or any officer so retired who served in any capacity as a member of the military or naval forces of the United States prior to November 12, 1918, shall be retired with annual pay equal to 75 per centum of his active duty annual pay at the time of his retirement; any other officer so retired shall be retired with annual pay equal to 2½ per centum of his active duty annual pay at the time of his retirement, multiplied by a number equal to the number of complete years of his service counted for pay purposes under existing laws not in excess of thirty years. All officers retired under the provisions of this section shall be placed on the unlimited retired list.”

§ 576a. Same; office of Federal Works Administrator.

Notwithstanding the provisions of section 576 of this title, a commissioned officer on the active list of the United States Army may be appointed to the office of Federal Works Administrator without loss of or prejudice to his status as such commissioned officer, and when so appointed he shall receive, in addition to his pay and allowances as such com-

missioned officer, an amount equal to the difference between such pay and allowances and the salary prescribed by law for the office of Federal Works Administrator. (Oct. 28, 1941, ch. 460, title II, 55 Stat. 748.)

Chapter 22.—WARRANT OFFICERS

Sec.

591a. Temporary appointments; number authorized; rights and status (New).

593a. Grades of warrant officers; pay and allowances; extra pay for participation in aerial flights (New).

599. Rules and regulations (New).

§ 591. Permanent appointments; number authorized.

Hereafter, original permanent appointments in the grade of warrant officer (junior grade) shall be made only from among those persons who have served at least one year on active duty in the Army of the United States, and original permanent appointments in the grade of chief warrant officer shall be made only from among those warrant officers who have completed at least a total of ten years’ active service either as warrant officer (junior grade) or as warrant officers under existing law, or both, and from among masters and chief engineers, Army Mine Planter Service, hereafter appointed as such under the provisions of existing law. All such permanent appointments shall be made in the Regular Army and may be terminated under such regulations as the Secretary of War shall prescribe, and the action of the Secretary of War in terminating the appointment of a warrant officer shall be final and conclusive. The total number of permanent appointments in the grades of chief warrant officer and warrant officer (junior grade) shall be as prescribed by the President from time to time, but shall not exceed 1 per centum of the enlisted strength of the Regular Army as authorized by law: *Provided*, That not more than 40 per centum of the total actual number of permanent warrant officers in active service shall be appointed in the grade of chief warrant officer. (As amended Aug. 21, 1941, ch. 384, § 2, 55 Stat. 652.)

REPEAL

Repeal of inconsistent provisions, see note under section 592 of this title.

EFFECTIVE DATE

Effective date of act Aug. 21, 1941, cited to text, see note under section 599 of this title.

§ 591a. Temporary appointments; number authorized; rights and status.

In time of war or during the period of any national emergency declared by Congress or proclaimed by the President, the Secretary of War is authorized, under such regulations as he shall prescribe, to make temporary appointments in the grades of chief warrant officer and warrant officer (junior grade). Such temporary appointments shall be in the Army of the United States, shall not exceed a number equal to one-half of 1 per centum of the enlisted strength of the Army of the United States in active military service, and shall remain in effect at the pleasure of the Secretary of War, but in no case shall they continue beyond six months after the termination of the war or period of national

emergency. Persons appointed in the Army of the United States as temporary chief warrant officers or as temporary warrant officers (junior grade), while in active Federal service, shall, while so serving, be entitled to the rank, pay, and allowances of the grades to which they are temporarily appointed, and shall be entitled to count such service as warrant or enlisted service for all purposes: *Provided*, That the Secretary of War is hereby authorized to designate by name a number of permanent or temporary chief warrant officers (not exceeding 1 per centum of the maximum authorized number of permanent and temporary warrant officers) to receive the base pay and allowances provided by existing law for officers in the fourth pay period, and to designate by name an additional number of permanent or temporary chief warrant officers (not exceeding 2 per centum of the maximum authorized number of temporary and permanent warrant officers) to receive the base pay and allowances provided by existing law for officers in the third pay period, but no chief warrant officer so designated shall receive such base pay and allowances except during the period prescribed by the Secretary of War. Such temporary appointees shall be entitled to the benefits of all existing laws and regulations governing retirement, pensions, and disability as are applicable to members of the Army of the United States when called or ordered into the active military service by the Federal Government under existing statutory authorizations. All persons temporarily appointed as chief warrant officers or as warrant officers (junior grade) in the Army of the United States under the authority of this section, shall, as long as they continue to hold such appointments, be available for assignment to active duty with any unit of the Army of the United States. Persons temporarily appointed as chief warrant officers or as warrant officers (junior grade), in the Army of the United States under the authority of this section who, at the time of their respective temporary appointments have a military status in the Army of the United States or any component thereof may accept such temporary appointments without prejudice to the military status which they so held and upon termination of such temporary appointments such persons may revert to the grades which they held at the time of their temporary appointments. (Aug. 21, 1941, ch. 384, § 3, 55 Stat. 652.)

EFFECTIVE DATE

Effective date of act Aug. 21, 1941, cited to text, see note under section 599 of this title

§ 592. Restriction on filling of vacancies in grade of warrant officer.

REPEAL

Section 7 of act Aug. 21, 1941, ch. 384, 55 Stat. 653, provided: "The provisions of any laws heretofore enacted which are in conflict with the provisions of this Act (sections 591, 591a, 593, 593a, 594, 599 of this title), are hereby repealed, except that appointments, temporary appointments, and promotions in the Army Mine Planter Service shall continue to be made as now provided for: *Provided*, That no rights or benefits to which warrant officers now in active service are entitled under existing laws shall be affected in any manner by reason of the enactment of this

Act (said sections): *Provided further*, That the provisions of this Act (said sections) shall not be retroactive and no back pay or allowances shall accrue by reason of the enactment of this Act (said sections) "

CROSS REFERENCES

Authorized number of warrant officers, see section 591 of this title.

§ 593. Duties, powers, and rank.

Warrant officers may be assigned to such duties as may be prescribed by the Secretary of War: *Provided*, That when such duties necessarily include those normally performed by commissioned officers they shall be vested with the power to perform such duties under regulations to be prescribed by the President: *Provided further*, That when a warrant officer is serving as assistant adjutant of any command, he shall have power to administer oaths for all purposes of military administration. Warrant officers appointed under existing laws, other than masters and chief engineers of the Army Mine Planter Service, shall become warrant officers (junior grade), and masters and chief engineers of the Army Mine Planter Service shall become chief warrant officers, on the date this section shall become effective. All warrant officers shall take rank next below second lieutenants and among themselves under regulations prescribed by the Secretary of War. (As amended Aug. 21, 1941, ch. 384, § 4, 55 Stat. 593.)

REPEAL

Repeal of inconsistent provisions, see note under section 592 of this title.

EFFECTIVE DATE

Effective date of act Aug. 21, 1941, cited to text, see note under section 599 of this title

§ 593a. Grades of warrant officers; pay and allowances; extra pay for participation in aerial flights.

Hereafter there shall be two grades of warrant officers in the Army of the United States; first, chief warrant officer, who shall receive the same base pay as authorized by existing law for warrant officer, chief engineer, Army Mine Planter Service; and second, warrant officer (junior grade), who shall receive the same base pay and allowances as are authorized by existing law for warrant officers of the Army other than those of the Army Mine Planter Service: *Provided*, That warrant officers of the Army Mine Planter Service in the grade of master shall receive the same base pay as authorized by existing law. Chief warrant officers shall receive the same money allowances for subsistence and rental of quarters as are authorized by existing laws for officers receiving the pay of the second pay period, and all warrant officers shall receive, as a permanent addition to their pay, an increase of 5 per centum of their base pay for each four years of active service now counted for pay purposes, not to exceed 25 per centum.

All warrant officers of the Army shall receive an increase of 50 per centum of their pay when by orders of competent authority they are required to participate regularly and frequently in aerial flights, and when in consequence of such orders they do participate in regular and frequent aerial flights as defined by such Executive orders as have heretofore been,

or may hereafter be, promulgated by the President. (Aug. 21, 1941, ch. 384, § 1, 55 Stat. 651.)

ALLOWANCES SAME AS FOR SECOND LIEUTENANTS

Act June 3, 1916, ch. 134, § 4a, as added June 4, 1920, ch. 227, subch. I, § 4, 41 Stat. 761, provided in part as follows: "Warrant officers other than those of the Army Mine Planter Service, shall receive * * * the allowance of a second lieutenant."

EFFECTIVE DATE

Effective date of act Aug. 21, 1941, cited to text, see note under section 599 of this title.

§ 594. Retirement.

Warrant officers shall be entitled to retirement under the same conditions as commissioned officers: *Provided*, That hereafter warrant officers may, in the discretion of the Secretary of War, be retired after fifteen years of active service: *Provided further*, That a warrant officer retired after fifteen years of active service shall receive retired pay at the rate of 2½ per centum of his active pay multiplied by the number of complete years of active service in the Army, but not to exceed a total of 75 per centum of his active pay. (As amended Aug. 21, 1941, ch. 384, § 5, 55 Stat. 653.)

REPEAL

Repeal of inconsistent provisions, see note under section 592 of this title.

EFFECTIVE DATE

Effective date of act Aug. 21, 1941, cited to text, see note under section 599 of this title.

§ 599. Rules and regulations.

Subject to the provisions of sections 591, 591a, 593, 593a, 594, 599 of this title, the Secretary of War is hereby authorized to prescribe such rules and regulations as he may deem necessary to govern and administer properly the personnel in the grades of chief warrant officer and warrant officer (junior grade), including warrant officers of the Army Mine Planter Service. (Aug. 21, 1941, ch. 384, § 6, 55 Stat. 653.)

EFFECTIVE DATE

Last sentence of section 6 of act Aug. 21, 1941, cited to text, provided: "This Act shall become effective on the date specified in regulations issued by the Secretary of War, but not later than October 1, 1941."

Chapter 23.—ENLISTED FORCE

RECRUITING AND ENLISTMENT

Sec.

628a. Same; continuation during disability (New).

DISCHARGE FROM ENLISTMENT

656. Discharge when permanently incapacitated (New).

RECRUITING AND ENLISTMENT

§ 622. Character required for enlistment.

No insane or intoxicated person, no deserter from the military service of the United States, and no person who has been convicted of a felony shall be enlisted or mustered into the military service: *Provided, however*, That with relation to deserters and persons convicted of felonies the Secretary of War may, by regulations or otherwise, authorize excep-

tions in special meritorious cases. (As amended July 29, 1941, ch. 325, 55 Stat. 606.)

AMENDMENTS

1941—Proviso was added by act July 29, 1941, cited to text.

§ 628. Periods of enlistments and reenlistments, respectively.

CROSS REFERENCES

Extension of enlistment during war, see section 732 of Appendix to Title 50, War.

§ 628a. Same; continuation during disability.

Hereafter any enlisted man of the Army, Navy, Marine Corps, and Coast Guard of the United States in the active service, whose term of enlistment shall expire while he is suffering disease or injury incident to service and not due to misconduct, and who is in need of medical care or hospitalization, may, with his consent, be retained in such service beyond the expiration of his term of enlistment, and any such enlisted man shall be entitled to receive at Government expense medical care or hospitalization and his pay and allowances (including expense money authorized by law and credit for longevity) until he shall have recovered to such extent as would enable him to meet the physical requirements for reenlistment, or until it shall have been ascertained by competent authority of the service concerned that the disease or injury is of a character that recovery to such an extent would be impossible, whichever is earlier: *Provided*, That any enlisted man whose enlistment is extended as provided herein shall be subject to forfeiture in the same manner and to the same extent as if his term of enlistment had not expired, and nothing contained in this section shall prevent any enlisted man of the Army, Navy, or Marine Corps, and the Coast Guard, from being held in the service without his consent under, respectively, the provisions of section 1579 of this title, section 183 of Title 34, and section 35, subsection (a), of Title 14. (Dec. 12, 1941, ch. 566, 55 Stat. 797.)

CROSS REFERENCES

Same provisions as those of this section also constitute section 35b of Title 14, Coast Guard, and section 185 of Title 34, Navy.

§ 634. Wartime and emergency enlistment; duration; eligibility; oath; assignment and transfer.

CROSS REFERENCES

Enlistments during existence of authority conferred on the President by the Service Extension Act of 1941, see section 360 of Appendix to Title 50, War.

DETAILS

CROSS REFERENCES

Aviation students, enlisted men detailed as, see section 298a-1 of this title.

DISCHARGE FROM ENLISTMENT

§ 656. Discharge when permanently incapacitated.

An enlisted man of the Regular Army or of the Philippine Scouts who has had less than twenty years of service in the military forces of the United States and who has become permanently incapaci-

tated for active service shall be discharged: *Provided*, That nothing herein contained shall be construed as affecting the right of an enlisted man discharged hereunder to receive such pension and other benefits as may now or hereafter be accorded by law to disabled former soldiers of the Regular Army or of the Philippine Scouts. (June 30, 1941, ch. 263, § 1, 55 Stat. 394.)

ADMINISTRATION OF SECTION

Section 6 of act June 30, 1941, cited to text, provided Secretary of War should administer the provisions of this section and sections 939, 957 and 982a of this title, and section 26b of Title 38, Pensions, Bonuses, and Veterans' Relief.

Chapter 25.—PAY AND ALLOWANCES

QUARTERS AND SUBSISTENCE

§ 727. Subsistence of Army patients in Canal Zone hospitals.

REPEATED.—Act June 30, 1941, 6 20 p. m., E. S. T., ch. 262, § 1, 55 Stat. 380.

PAYMENT OF AND DEDUCTIONS FROM PAY OR ALLOWANCES

§ 877. Withholding pay of officers.

CROSS REFERENCES

Funds as unavailable for pay of officers and enlisted men engaged on military publications carrying certain paid advertising, see section 918 of this title.

MISCELLANEOUS PROVISIONS

§ 914. Free tuition in District of Columbia schools for children of officers, men, and other employees.

REPEATED.—Act July 1, 1941, ch. 271, § 1, 55 Stat. 512.

§ 918. Pay of officers and men engaged with military publications carrying paid advertising of firms doing business with War Department.

REPEATED.—Act June 30, 1941, 6:20 p. m., E. S. T., ch. 262, § 1, 55 Stat. 370.

Chapter 26.—RETIREMENT

RETIREMENT FOR INCAPACITY

Sec.

939. Enlisted men with twenty or more years service (New).

SERVICE COUNTED IN DETERMINING RIGHT TO RETIREMENT

957. Periods of service computed for enlisted men retired for incapacity (New).

RETIRED PAY

982a. Computation of pay of enlisted men retired for incapacity (New).

MISCELLANEOUS PROVISIONS

1026b. Rank, pay, and allowances of Corps of Engineers officer serving as President of Mississippi River Commission (New).

RETIREMENT FOR INCAPACITY

§ 939. Enlisted men with twenty or more years service.

An enlisted man of the Regular Army or of the Philippine Scouts who has served twenty years or

more in the military forces of the United States and who has become permanently incapacitated for active service due to physical disability incurred in line of duty shall be placed on the retired list. (June 30, 1941, ch. 263, § 2, 55 Stat. 394.)

ADMINISTRATION OF SECTION

Section 6 of act June 30, 1941, provided Secretary of War should administer the provisions of this section and sections 656, 957 and 982a of this title, and section 26b of Title 38, Pensions, Bonuses, and Veterans' Relief.

RETIREMENT FOR AGE OR LENGTH OF SERVICE

§ 947. Right of enlisted men to retirement.

CROSS REFERENCES

Discharge when permanently incapacitated, see section 656 of this title.

Retirement of enlisted men upon completion of thirty years service, see section 957 of this title.

SERVICE COUNTED IN DETERMINING RIGHT TO RETIREMENT

§ 957. Periods of service computed for enlisted men retired for incapacity.

All periods of service which are now counted under provisions of existing law in computing the time necessary to enable an enlisted man to retire upon completion of thirty years of service shall be credited in the computation of the twenty years of service necessary to confer eligibility for retirement under this section and sections 656, 939, 982a of this title and section 26b of Title 38. (June 30, 1941, ch. 263, § 5, 55 Stat. 395.)

ADMINISTRATION OF SECTION

Section 6 of act June 30, 1941, provided Secretary of War should administer the provisions of this section and sections 656, 939, and 982a of this title, and section 26b of Title 38, Pensions, Bonuses, and Veterans' Relief.

RETIRED PAY

§ 982a. Computation of pay of enlisted men retired for incapacity.

When an enlisted man is placed on the retired list pursuant to the provisions of section 939 he shall receive 75 per centum of the average pay he was receiving for six months prior to his retirement plus a money allowance of \$9.50 per month in lieu of rations and clothing and \$6.25 per month in lieu of quarters, fuel, and light: *Provided*, That the money allowances of enlisted men of the Philippine Scouts placed on the retired list under sections 656, 939, 957, and 982a of this title and section 26b of Title 38 shall be the same as those heretofore or from time to time hereafter prescribed by the Secretary of War under existing law for enlisted men of that organization retired after thirty years of service. (June 30, 1941, ch. 263, § 3, 55 Stat. 394.)

ADMINISTRATION OF SECTION

Section 6 of act June 30, 1941, provided Secretary of War should administer the provisions of this section and sections 656, 939, and 957 of this title, and section 26b of Title 38, Pensions, Bonuses, and Veterans' Relief.

CROSS REFERENCES

Waiver of retired pay for pension, see section 26b of Title 38, Pensions, Bonuses, and Veterans' Relief.

MISCELLANEOUS PROVISIONS

§ 1026b. Rank, pay, and allowances of Corps of Engineers officer serving as President of Mississippi River Commission.

Any officer of the Corps of Engineers who has served or shall serve four years as President of the Mississippi River Commission and who has been or shall subsequently be retired, shall, from the date of such retirement, receive the rank, pay, and allowances of a retired major general. (June 15, 1936, ch. 548, as added Aug. 18, 1941, ch. 377, § 3, 55 Stat. 644.)

Chapter 27.—MILITARY ACADEMY

MISCELLANEOUS PROVISIONS

§ 1161a. Librarian.

REPEATED.—Act June 30, 1941, 6:20 p. m., E. S. T., ch. 262, § 1, 55 Stat. 384.

Chapter 29.—SUPPLIES, STORES, AND SERVICES

REPORTS, RETURNS, AND ACCOUNTING

Sec.

1304. Action on reports of survey and other vouchers pertaining to loss, damage, unsuitability, etc., of property (New).

SALES OR LEASES TO PUBLIC

§ 1262a. Disposition of surplus war materials, limitations; approval of contracts for disposition.

CROSS REFERENCES

Provisions similar to these are also set out in section 546e of Title 34, Navy.

REPORTS, RETURNS, AND ACCOUNTING

§ 1304. Action on reports of survey and other vouchers pertaining to loss, damage, unsuitability, etc., of property.

Hereafter those officers of the Army designated by the Secretary of War, under such regulations as he may prescribe, may take action upon reports of survey and all other vouchers pertaining to the loss, damage, spoilage, unserviceability, unsuitability, or destruction of property of the United States under the control of the War Department, and the action taken by any such officer on said surveys or vouchers shall be final: *Provided*, That in a case where any person or concern is held pecuniarily liable for the loss, damage, spoilage, or destruction of property of the United States under the control of the War Department, such findings shall not be final until approved by the Secretary of War or by the Chief of Finance acting under the authority of the Secretary of War. (Oct. 30, 1941, ch. 465, 55 Stat. 758.)

Chapter 30.—MILITARY POSTS AND CAMPS; QUARTERS AND BARRACKS; TRAINING STATIONS

CROSS REFERENCES

Prostitution near military camps unlawful, see section 518a of Title 18, Criminal Code and Criminal Procedure.

§ 1336. Letting contracts for erection or repair of buildings, etc.

CROSS REFERENCES

Payment of fixed fee on construction contracts for military posts, see section 269a of Title 40, Public Buildings, Property, and Works

Transfer from Quartermaster General to Chief of Engineers duties regarding construction, maintenance, and repair of buildings, etc., for the Army, see section 181b of this title

§ 1339. Authorization of permanent barracks or quarters and other structures.

CROSS REFERENCES

Exception in case of strategic network of highways, see section 144 of Title 23, Highways.

Chapter 31.—TRANSPORTATION OF TROOPS AND SUPPLIES; ARMY TRANSPORT SERVICE

Sec.

1371a. Same; employees of United States residing in Alaska (New).

§ 1371a. Same; employees of United States residing in Alaska.

When, in the opinion of the Secretary of War, accommodations are available, transportation on vessels of the Army transport service may be provided, without expense to the United States, to employees of the United States, residing in Alaska, who have been in such employment for a period of not less than two years, and to their families: *Provided*, That except in cases of dire emergency such as sickness or death, the privilege herein granted shall be limited, as to each eligible individual, to one round trip between Alaska and the States during each two-year period from and after November 21, 1941. (Nov. 21, 1941, ch. 483, 55 Stat. 775.)

Chapter 34.—DESERTION

§ 1431. Compensation for arresting deserters.

REPEATED.—Act June 30, 1941, 6:20 p. m., E. S. T., ch. 262, § 1, 55 Stat. 371.

Chapter 35.—UNITED STATES DISCIPLINARY BARRACKS

§ 1460. Donation to dishonorably discharged prisoners.

REPEATED.—Act June 30, 1941, 6:20 p. m., E. S. T., ch. 262, § 1, 55 Stat. 371.

Chapter 36.—ARTICLES OF WAR

V. MISCELLANEOUS PROVISIONS

§ 1579. Soldiers to make good time lost (article 107).

CROSS REFERENCES

Continuation of enlistment during disability, see section 628a of this title.

TITLE 12.—BANKS AND BANKING

Chapter 2.—NATIONAL BANKS

ORGANIZATION AND GENERAL PROVISIONS

§ 55. Enforcing payment of deficiency in capital stock; assessments; liquidation; receivership.

Every association which shall have failed to pay up its capital stock, as required by law, and every association whose capital stock shall have become impaired by losses or otherwise, shall, within three months after receiving notice thereof from the Comptroller of the Currency, pay the deficiency in the capital stock, by assessment upon the shareholders pro rata for the amount of capital stock held by each; and the Treasurer of the United States shall withhold the interest upon all bonds held by him in trust for any such association, upon notification from the Comptroller of the Currency, until otherwise notified by him. If any such association shall fail to pay up its capital stock, and shall refuse to go into liquidation, as provided by law, for three months after receiving notice from the comptroller, a receiver may be appointed to close up the business of the association, according to the provisions of section 192 of this title. *And provided*, That if any shareholder or shareholders of such bank shall neglect or refuse, after three months' notice, to pay the assessment, as provided in this section, it shall be the duty of the board of directors to cause a sufficient amount of the capital stock of such shareholder or shareholders to be sold at public auction (after thirty days' notice shall be given by posting such notice of sale in the office of the bank, and by publishing such notice in a newspaper of the city or town in which the bank is located, or in a newspaper published nearest thereto), to make good the deficiency, and the balance, if any, shall be returned to such delinquent shareholder or shareholders. (R. S. § 5205; June 30, 1876, ch. 156, § 4, 19 Stat. 64.)

REGULATION OF THE BANKING BUSINESS; POWERS AND DUTIES OF NATIONAL BANKS

§ 95. Emergency limitations and restrictions on business of members of Federal Reserve System.

EX. ORD. NO. 6560, AMENDED. REGULATING TRANSACTIONS IN FOREIGN EXCHANGE, TRANSFERS OF CREDIT, AND EXPORT OF COIN AND CURRENCY

Modified in so far as inconsistent with Ex. Ord. No. 8389, Apr. 10, 1940, 6 p. m. E. S. T., 5 Fed. Reg. 1400, as amended by Ex. Ord. No. 8785, June 14, 1941, 1:10 p. m., 6 Fed. Reg. 2897.

EX. ORD. NO. 8389, REGULATING TRANSACTIONS IN FOREIGN EXCHANGE AND FOREIGN-OWNED PROPERTY, PROVIDING FOR THE REPORTING OF ALL FOREIGN-OWNED PROPERTY

Ex. Ord. No. 8389, April 10, 1940, 5 Fed. Reg. 1400, as amended Ex. Ord. No. 8785, June 14, 1941, 1:10 p. m., 6 Fed. Reg. 2897; Ex. Ord. No. 8832, July 26, 1941, 12:08 p. m., 6 Fed. Reg. 3715, provided:

SECTION 1. CERTAIN FOREIGN BANKING TRANSACTIONS PROHIBITED

All of the following transactions are prohibited, except as specifically authorized by the Secretary of the Treasury by means of regulations, rulings, instructions, licenses, or otherwise, if (1) such transactions are by, or on behalf of, or pursuant to the direction of any foreign country designated in this Order, or any national thereof, or (ii) such transactions involve property in which any foreign country designated in this Order, or any national thereof, has at any time on or since the effective date of this Order had any interest of any nature whatsoever, direct or indirect:

A. All transfers of credit between any banking institutions within the United States; and all transfers of credit between any banking institution within the United States and any banking institution outside the United States (including any principal, agent, home office, branch, or correspondent outside the United States, of a banking institution within the United States);

B. All payments by or to any banking institution within the United States;

C. All transactions in foreign exchange by any person within the United States;

D. The export or withdrawal from the United States, or the earmarking of gold or silver coin or bullion or currency by any person within the United States;

E. All transfers, withdrawals or exportations of, or dealings in, any evidences of indebtedness or evidences of ownership of property by any person within the United States; and

F. Any transaction for the purpose or which has the effect of evading or avoiding the foregoing prohibitions.

SECTION 2. DEALINGS IN FOREIGN SECURITIES; REGULATIONS

A. All of the following transactions are prohibited, except as specifically authorized by the Secretary of the Treasury by means of regulations, rulings, instructions, licenses, or otherwise:

(1) The acquisition, disposition or transfer of, or other dealing in, or with respect to, any security or evidence thereof on which there is stamped or imprinted, or to which there is affixed or otherwise attached, a tax stamp or other stamp of a foreign country designated in this Order or a notarial or similar seal which by its contents indicates that it was stamped, imprinted, affixed or attached within such foreign country, or where the attendant circumstances disclose or indicate that such stamp or seal may, at any time, have been stamped, imprinted, affixed or attached thereto; and

(2) The acquisition by, or transfer to, any person within the United States of any interest in any security or evidence thereof if the attendant circumstances disclose or indicate that the security or evidence thereof is not physically situated within the United States.

B. The Secretary of the Treasury may investigate, regulate, or prohibit under such regulations, rulings, or instructions as he may prescribe, by means of licenses or otherwise, the sending, mailing, importing or otherwise bringing, directly or indirectly, into the United States, from any foreign country, of any securities or evidences thereof or the receiving or holding in the United States of any securities or evidences thereof so brought into the United States.

SECTION 3. FOREIGN COUNTRIES AFFECTED; EFFECTIVE DATE OF PROHIBITIONS

The term "foreign country designated in this Order" means a foreign country included in the following sched-

ule, and the term "effective date of this Order" means with respect to any such foreign country, or any national thereof, the date specified in the following schedule:

- (a) April 8, 1940—
Norway and
Denmark;
- (b) May 10, 1940—
The Netherlands,
Belgium and
Luxembourg;
- (c) June 17, 1940—
France (including Monaco);
- (d) July 10, 1940—
Latvia, Estonia and
Lithuania;
- (e) October 9, 1940—
Rumania;
- (f) March 4, 1941—
Bulgaria.
- (g) March 13, 1941—
Hungary;
- (h) March 24, 1941—
Yugoslavia;
- (i) April 28, 1941—
Greece; and
- (j) June 14, 1941—
Albania,
Andorra,
Austria,
Czechoslovakia,
Danzig,
Finland,
Germany,
Italy,
Liechtenstein,
Poland,
Portugal,
San Marino,
Spain,
Sweden,
Switzerland, and
Union of Soviet Socialist Republics.
- (k) June 14, 1941—
China, and Japan.

The "effective date of this Order" with respect to any foreign country not designated in this Order shall be deemed to be June 14, 1941.

SECTION 4. RECORDS OF FOREIGN BANKING AND SECURITY TRANSACTIONS; INVESTIGATIONS

A. The Secretary of the Treasury and/or the Attorney General may require, by means of regulations, rulings, instructions, or otherwise, any person to keep a full record of, and to furnish under oath, in the form of reports or otherwise, from time to time and at any time or times, complete information relative to, any transaction referred to in section 5 (b) of the Act of October 6, 1917 (40 Stat. 415), as amended, or relative to any property in which any foreign country or any national thereof has any interest of any nature whatsoever, direct or indirect, including the production of any books of account, contracts, letters, or other papers, in connection therewith, in the custody or control of such person, either before or after such transaction is completed; and the Secretary of the Treasury and/or the Attorney General may, through any agency, investigate any such transaction or act, or any violation of the provisions of this Order.

B Every person engaging in any of the transactions referred to in sections 1 and 2 of this Order shall keep a full record of each such transaction engaged in by him, regardless of whether such transaction is effected pursuant to license or otherwise, and such record shall be available for examination for at least one year after the date of such transaction.

SECTION 5. DEFINITIONS

A As used in the first paragraph of section 1 of this Order "transactions (which) involve property in which any foreign country designated in this Order, or any national thereof, has * * * any interest of any nature whatsoever, direct or indirect," shall include, but not by

way of limitation (i) any payment or transfer to any such foreign country or national thereof, (ii) any export or withdrawal from the United States to such foreign country, and (iii) any transfer of credit, or payment of an obligation, expressed in terms of the currency of such foreign country.

B The term "United States" means the United States and any place subject to the jurisdiction thereof, the term "continental United States" means the states of the United States, the District of Columbia, and the Territory of Alaska.

C. The term "person" means an individual, partnership, association, corporation, or other organization.

D The term "foreign country" shall include, but not by way of limitation,

(i) The state and the government thereof on the effective date of this Order as well as any political subdivision, agency, or instrumentality thereof or any territory, dependency, colony, protectorate, mandate, dominion, possession or place subject to the jurisdiction thereof,

(ii) Any other government (including any political subdivision, agency, or instrumentality thereof) to the extent and only to the extent that such government exercises or claims to exercise *de jure* or *de facto* sovereignty over the area which on such effective date constituted such foreign country, and

(iii) Any person to the extent that such person is, or has been, or to the extent that there is reasonable cause to believe that such person is, or has been, since such effective date, acting or purporting to act directly or indirectly for the benefit or on behalf of any of the foregoing.

E The term "national" shall include,

(i) Any person who has been domiciled in, or a subject, citizen or resident of a foreign country at any time on or since the effective date of this Order,

(ii) Any partnership, association, corporation or other organization, organized under the laws of, or which on or since the effective date of this Order had or has had its principal place of business in such foreign country, or which on or since such effective date was or has been controlled by, or a substantial part of the stock, shares, bonds, debentures, notes, drafts, or other securities or obligations of which, was or has been owned or controlled by, directly or indirectly, such foreign country and/or one or more nationals thereof as herein defined.

(iii) Any person to the extent that such person is, or has been, since such effective date, acting or purporting to act directly or indirectly for the benefit or on behalf of any national of such foreign country, and

(iv) Any other person who there is reasonable cause to believe is a "national" as herein defined.

In any case in which by virtue of the foregoing definition a person is a national of more than one foreign country, such person shall be deemed to be a national of each such foreign country. In any case in which the combined interests of two or more foreign countries designated in this Order and/or nationals thereof are sufficient in the aggregate to constitute, within the meaning of the foregoing, control or 25 per centum or more of the stock, shares, bonds, debentures, notes, drafts, or other securities or obligations of a partnership, association, corporation or other organization, but such control or a substantial part of such stock, shares, bonds, debentures, notes, drafts, or other securities or obligations is not held by any one such foreign country and/or national thereof, such partnership, association, corporation or other organization shall be deemed to be a national of each of such foreign countries. The Secretary of the Treasury shall have full power to determine that any person is or shall be deemed to be a "national" within the meaning of this definition, and the foreign country of which such person is or shall be deemed to be a national. Without limitation of the foregoing, the term "national" shall also include any other person who is determined by the Secretary of the Treasury to be, or to have been, since such effective date, acting or purporting to act directly or indirectly for the benefit or under the direction of a foreign country designated in this Order or national thereof, as herein defined.

F The term "banking institution" as used in this Order shall include any person engaged primarily or incidentally in the business of banking, of granting or transferring

credits, or of purchasing or selling foreign exchange or procuring purchasers and sellers thereof, as principal or agent, or any person holding credits for others as a direct or incidental part of his business, or brokers; and, each principal, agent, home office, branch or correspondent of any person so engaged shall be regarded as a separate "banking institution".

G The term "this Order", as used herein, shall mean Executive Order No. 8389 of April 10, 1940, as amended.

SECTION 6. CONSTRUCTION WITH EX. ORD. NO. 6560; SAVING CLAUSE

Executive Order No. 8389 of April 10, 1940, as amended, shall no longer be deemed to be an amendment to or a part of Executive Order No. 6560 of January 15, 1934. Executive Order No. 6560 of January 15, 1934, and the Regulations of November 12, 1934, are hereby modified in so far as they are inconsistent with the provisions of this Order, and except as so modified, continue in full force and effect. Nothing herein shall be deemed to revoke any license, ruling, or instruction now in effect and issued pursuant to Executive Order No. 6560 of January 15, 1934, as amended, or pursuant to this Order, provided, however, that all such licenses, rulings, or instructions shall be subject to the provisions hereof. Any amendment, modification or revocation by or pursuant to the provisions of this Order of any orders, regulations, rulings, instructions or licenses shall not affect any act done, or any suit or proceeding had or commenced in any civil or criminal case prior to such amendment, modification or revocation, and all penalties, forfeitures and liabilities under any such orders, regulations, rulings, instructions or licenses shall continue and may be enforced as if such amendment, modification or revocation had not been made.

SECTION 7. REGULATIONS BY SECRETARY OF THE TREASURY

Without limitation as to any other powers or authority of the Secretary of the Treasury or the Attorney General under any other provision of this Order, the Secretary of the Treasury is authorized and empowered to prescribe from time to time regulations, rulings, and instructions to carry out the purposes of this Order and to provide therein or otherwise the conditions under which licenses may be granted by or through such officers or agencies as the Secretary of the Treasury may designate, and the decision of the Secretary with respect to the granting, denial or other disposition of an application or license shall be final.

SECTION 8. OFFENSES AND PENALTIES UNDER ACT OCT. 6, 1917

Section 5 (b) of the Act of October 6, 1917, as amended, provides in part:

"* * * Whoever willfully violates any of the provisions of this subdivision or of any license, order, rule or regulation issued thereunder, shall, upon conviction, be fined not more than \$10,000, or, if a natural person, may be imprisoned for not more than ten years, or both; and any officer, director, or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment, or both."

SECTION 9. AMENDMENTS OF ORDER AND REGULATIONS PRESCRIBED THEREUNDER

This Order and any regulations, rulings, licenses or instructions issued hereunder may be amended, modified or revoked at any time.

EX. ORD. NOS. 8446, 8484, 8565, 8701, 8711, 8721, 8746. APPLICATION OF EX. ORD. NO. 6560, §§ 9-14

The application of Ex. Ord. No. 6560, §§ 9-14, to French property by Ex. Ord. No. 8446, 5 Fed. Reg. 2279; to Latvian, Estonian and Lithuanian property by Ex. Ord. No. 8484, 5 Fed. Reg. 2586; to Rumanian property by Ex. Ord. No. 8565, 5 Fed. Reg. 4062; to Bulgarian property by Ex. Ord. No. 8701, 6 Fed. Reg. 1285; to Hungarian property by Ex. Ord. No. 8711, 6 Fed. Reg. 1443; to Yugoslav property by Ex. Ord. No. 8721, 6 Fed. Reg. 1622; to Greek property by Ex. Ord. No. 8746, 6 Fed. Reg. 2187; was incorporated in the provisions of Ex. Ord. No. 8389 as amended by Ex. Ord. No. 8785 set out above.

CROSS REFERENCES

Regulation of consumer credit, see Ex. Ord. No. 8843, set out under section 5 of Appendix to Title 50, War

§ 95a. Embargo on bullion or coin; hoarding; requirement of disclosure; penalties.

(1) During the time of war or during any other period of national emergency declared by the President, the President may, through any agency that he may designate, or otherwise, and under such rules and regulations as he may prescribe, by means of instructions, licenses, or otherwise—

(A) investigate, regulate, or prohibit, any transactions in foreign exchange, transfers of credit or payments between, by, through, or to any banking institution, and the importing, exporting, hoarding, melting, or earmarking of gold or silver coin or bullion, currency or securities, and

(B) investigate, regulate, direct and compel, nullify, void, prevent or prohibit, any acquisition holding, withholding, use, transfer, withdrawal, transportation, importation or exportation of, or dealing in, or exercising any right, power, or privilege with respect to, or transactions involving, any property in which any foreign country or a national thereof has any interest,

by any person, or with respect to any property, subject to the jurisdiction of the United States; and any property or interest of any foreign country or national thereof shall vest, when, as, and upon the terms, directed by the President, in such agency or person as may be designated from time to time by the President, and upon such terms and conditions as the President may prescribe such interest or property shall be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States, and such designated agency or person may perform any and all acts incident to the accomplishment or furtherance of these purposes; and the President shall, in the manner hereinabove provided, require any person to keep a full record of, and to furnish under oath, in the form of reports or otherwise, complete information relative to any act or transaction referred to in this subdivision either before, during, or after the completion thereof, or relative to any interest in foreign property, or relative to any property in which any foreign country or any national thereof has or has had any interest, or as may be otherwise necessary to enforce the provisions of this subdivision, and in any case in which a report could be required, the President may, in the manner hereinabove provided, require the production, or if necessary to the national security or defense, the seizure, of any books of account, records, contracts, letters, memoranda, or other papers, in the custody or control of such person; and the President may, in the manner hereinabove provided, take other and further measures not inconsistent herewith for the enforcement of this subdivision.

(2) Any payment, conveyance, transfer, assignment, or delivery of property or interest therein, made to or for the account of the United States, or as otherwise directed, pursuant to this subdivision or any rule, regulation, instruction, or direction issued hereunder shall to the extent thereof be a full ac-

quittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect to anything done or omitted in good faith in connection with the administration of, or in pursuance of and in reliance on, this subdivision, or any rule, regulation, instruction, or direction issued hereunder.

(3) As used in this subdivision the term "United States" means the United States and any place subject to the jurisdiction thereof, including the Philippine Islands, and the several courts of first instance of the Commonwealth of the Philippine Islands shall have jurisdiction in all cases, civil or criminal, arising under this subdivision in the Philippine Islands and concurrent jurisdiction with the district courts of the United States of all cases, civil or criminal, arising upon the high seas: *Provided, however,* That the foregoing shall not be construed as a limitation upon the power of the President, which is hereby conferred, to prescribe from time to time, definitions, not inconsistent with the purposes of this subdivision, for any or all of the terms used in this subdivision. Whoever willfully violates any of the provisions of this subdivision or of any license, order, rule or regulation issued thereunder, shall, upon conviction, be fined not more than \$10,000, or, if a natural person, may be imprisoned for not more than ten years, or both; and any officer, director, or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment, or both. As used in this subdivision the term "person" means an individual, partnership, association, or corporation. (As amended Dec. 18, 1941, ch. 593, title III, § 301, 55 Stat. 839.)

AMENDMENTS

1941—Act Dec. 18, 1941, cited to text, amended first sentence of this section.

Chapter 3.—FEDERAL RESERVE SYSTEM

FEDERAL DEPOSIT INSURANCE CORPORATION

§ 264. Federal Deposit Insurance Corporation.

CROSS REFERENCES

United States obligations issued after Feb. 28, 1941, subject to Federal taxation, see section 742a of Title 31, Money and Finance.

POWERS AND DUTIES OF FEDERAL RESERVE BANKS

§ 358. Establishment of accounts for purpose of open-market operations; correspondents and agencies.

Every Federal reserve bank shall have power to establish accounts with other Federal reserve banks for exchange purposes and, with the consent or upon the order and direction of the Board of Governors of the Federal Reserve System and under regulations to be prescribed by said Board, to open and maintain accounts in foreign countries, appoint correspondents, and establish agencies in such countries wheresoever it may be deemed best for the purpose of purchasing, selling, and collecting bills of exchange, and to buy and sell, with or without its indorsement, through such correspondents or agencies, bills of exchange (or acceptances) arising out

of actual commercial transactions which have not more than ninety days to run, exclusive of days of grace, and which bear the signature of two or more responsible parties, and, with the consent of the Board of Governors of the Federal Reserve System, to open and maintain banking accounts for such foreign correspondents or agencies, or for foreign banks or bankers, or for foreign states as defined in section 632 of this title. Whenever any such account has been opened or agency or correspondent has been appointed by a Federal reserve bank, with the consent of or under the order and direction of the Board of Governors of the Federal Reserve System, any other Federal reserve bank may, with the consent and approval of the Board of Governors of the Federal Reserve System, be permitted to carry on or conduct, through the Federal reserve bank opening such account or appointing such agency or correspondent, any transaction authorized by this section under rules and regulations to be prescribed by the board. (As amended Apr. 7, 1941, ch. 43, § 1, 55 Stat. 131.)

AMENDMENTS

1941—First sentence was amended by act Apr. 7, 1941, cited to text.

POWERS AND DUTIES OF MEMBER BANKS

§ 371. Loans on farm lands and improved real estate; time and savings deposits; loans for construction of residential or farm buildings.

Any national banking association may make real-estate loans secured by first liens upon improved real estate, including improved farm land and improved business and residential properties. A loan secured by real estate within the meaning of this section shall be in the form of an obligation or obligations secured by mortgage, trust deed, or other such instrument upon real estate, and any national banking association may purchase any obligation so secured when the entire amount of such obligation is sold to the association. The amount of any such loan hereafter made shall not exceed 50 per centum of the appraised value of the real estate offered as security and no such loan shall be made for a longer term than five years; except that (1) any such loan may be made in an amount not to exceed 60 per centum of the appraised value of the real estate offered as security and for a term not longer than ten years if the loan is secured by an amortized mortgage, deed of trust, or other such instrument under the terms of which the installment payments are sufficient to amortize 40 per centum or more of the principal of the loan within a period of not more than ten years, and (2) the foregoing limitations and restrictions shall not prevent the renewal or extension of loans heretofore made and shall not apply to real-estate loans which are insured under the provisions of sections 1707–1715 and 1736–1742 of this title. No such association shall make such loans in an aggregate sum in excess of the amount of the capital stock of such association paid in and unimpaired plus the amount of its unimpaired surplus fund, or in excess of 60 per centum of the amount of its time and savings deposits, whichever

is the greater. Any such association may continue hereafter as heretofore to receive time and savings deposits and to pay interest on the same, but the rate of interest which such association may pay upon such time deposits or upon savings or other deposits shall not exceed the maximum rate authorized by law to be paid upon such deposits by State banks or trust companies organized under the laws of the State in which such association is located. (As amended Mar. 28, 1941, ch. 31, § 8, 55 Stat. 62.)

* * * * *

AMENDMENTS

1941—Third sentence of first paragraph was amended by act Mar. 28, 1941, cited to text.

SAVING CLAUSE

Separability of act Mar. 28, 1941, cited to text, see note under section 1736 of this title.

FEDERAL RESERVE NOTES

§ 412. Application for notes; collateral required.

Any Federal Reserve bank may make application to the local Federal Reserve agent for such amount of the Federal Reserve notes hereinbefore provided for as it may require. Such application shall be accompanied with a tender to the local Federal Reserve agent of collateral in amount equal to the sum of the Federal Reserve notes thus applied for and issued pursuant to such application. The collateral security thus offered shall be notes, drafts, bills of exchange, or acceptances acquired under the provisions of sections 82, 342-347, 347c, and 372 of this title, or bills of exchange endorsed by a member bank of any Federal Reserve district and purchased under the provisions of sections 348a, and 353-359 of this title, or bankers' acceptances purchased under the provisions of said sections 348a, and 353-359, or gold certificates: *Provided, however,* That until June 30, 1943, the Board of Governors of the Federal Reserve System may, should it deem it in the public interest, upon the affirmative vote of not less than a majority of its members, authorize the Federal Reserve banks to offer, and the Federal Reserve agents to accept, as such collateral security, direct obligations of the United States. At the close of business on such date, or sooner should the Board of Governors of the Federal Reserve System so decide, such authorization shall terminate and such obligations of the United States be retired as security for Federal Reserve notes. In no event shall such collateral security be less than the amount of Federal Reserve notes applied for. The Federal Reserve agent shall each day notify the Board of Governors of the Federal Reserve System of all issues and withdrawals of Federal Reserve notes to and by the Federal Reserve bank to which he is accredited. The said Board of Governors of the Federal Reserve System may at any time call upon a Federal Reserve bank for additional security to protect the Federal Reserve notes issued to it. (As amended June 30, 1941, ch. 264, 55 Stat. 395.)

AMENDMENTS

1941—Act June 30, 1941, cited to text, substituted "until June 30, 1943" for "until June 30, 1941."

Chapter 6.—FOREIGN BANKING

ORGANIZATION OF CORPORATIONS TO DO FOREIGN BANKING

§ 632. Jurisdiction of United States courts; disposition by banks of foreign owned property.

* * * * *

Whenever (1) any Federal Reserve bank has received any property from or for the account of a foreign state which is recognized by the Government of the United States, or from or for the account of a central bank of any such foreign state, and holds such property in the name of such foreign state or such central bank; (2) a representative of such foreign state who is recognized by the Secretary of State as being the accredited representative of such foreign state to the Government of the United States has certified to the Secretary of State the name of a person as having authority to receive, control, or dispose of such property; and (3) the authority of such person to act with respect to such property is accepted and recognized by the Secretary of State, and so certified by the Secretary of State to the Federal Reserve bank, the payment, transfer, delivery, or other disposal of such property by such Federal Reserve bank to or upon the order of such person shall be conclusively presumed to be lawful and shall constitute a complete discharge and release of any liability of the Federal Reserve bank for or with respect to such property.

Whenever (1) any insured bank has received any property from or for the account of a foreign state which is recognized by the Government of the United States, or from or for the account of a central bank of any such foreign state, and holds such property in the name of such foreign state or such central bank; (2) a representative of such foreign state who is recognized by the Secretary of State as being the accredited representative of such foreign state to the Government of the United States has certified to the Secretary of State the name of a person as having authority to receive, control, or dispose of such property; and (3) the authority of such person to act with respect to such property is accepted and recognized by the Secretary of State, and so certified by the Secretary of State to such insured bank, the payment, transfer, delivery, or other disposal of such property by such bank to or upon the order of such person shall be conclusively presumed to be lawful and shall constitute a complete discharge and release of any liability of such bank for or with respect to such property. Any suit or other legal proceeding against any insured bank or any officer, director, or employee thereof, arising out of the receipt, possession, or disposition of any such property shall be deemed to arise under the laws of the United States and the district courts of the United States shall have exclusive jurisdiction thereof, regardless of the amount involved; and any such bank or any officer, director, or employee thereof which is a defendant in any such suit may, at any time before trial thereof, remove such suit from a State court into the district court of the United States for the proper district by following the procedure for the removal of causes otherwise provided by law.

Nothing in this section shall be deemed to repeal or to modify in any manner any of the provisions of sections 95a, 213, 411-415, 417, or 467 of this title, sections 311a, 315b, 316a, 316b, 405a, 408a, 408b, 440-446, 448-448e, 733-734b, 752, 754a, 754b, 757a, 767, 821, 822a, 822b, or 824 of Title 31, or section 5 (b) of Title 50, Appendix, or any actions, regulations, rules, orders, or proclamations taken, promulgated, made, or issued pursuant to any of such sections. In any case in which a license to act with respect to any property referred to in this section is required under any of said sections, regulations, rules, orders, or proclamations, notification to the Secretary of State by the proper Government officer or agency of the issuance of an appropriate license or that appropriate licenses will be issued on application shall be a prerequisite to any action by the Secretary of State pursuant to this section, and the action of the Secretary of State shall relate only to such property as is included in such notification. Each such notification shall include the terms and conditions of such license or licenses and a description of the property to which they relate.

For the purposes of this section, (1) the term "property" includes gold, silver, currency, credits, deposits, securities, choses in action, and any other form of property, the proceeds thereof, and any right, title, or interest therein; (2) the term "foreign state" includes any foreign government or any department, district, province, county, possession, or other similar governmental organization or subdivision of a foreign government, and any agency or instrumentality of any such foreign government or of any such organization or subdivision; (3) the term "central bank" includes any foreign bank or banker authorized to perform any one or more of the functions of a central bank; (4) the term "person" includes any individual, or any corporation, partnership, association, or other similar organization; and (5) the term "insured bank" shall have the meaning given to it in section 264 of this title. (As amended Apr. 7, 1941, ch. 43, § 2, 55 Stat. 131.)

AMENDMENTS

1941—Last four paragraphs were added by act Apr. 7, 1941, cited to text.

Chapter 7.—FARM CREDIT ADMINISTRATION

SUBCHAPTER II-A.—FEDERAL FARM MORTGAGE CORPORATION

§ 1020. Establishment of corporation; directors; by-laws; regulations; officers and employees.

CROSS REFERENCES

United States obligations issued after Feb. 28, 1941, subject to Federal taxation, see section 742a of Title 31, Money and Finance.

SUBCHAPTER II-B.—LOANS TO FARMERS BY GOVERNOR OF FARM CREDIT ADMINISTRATION

§ 1020k. Use of loan, purposes; exemption from execution, etc.

CROSS REFERENCES

Application to rural rehabilitation loans, see section 1007a of Title 7, Agriculture.

§ 1020n. Unlawful use of loans; false representations; accepting fee for securing loans; penalties.

CROSS REFERENCES

Application to rural rehabilitation loans, see section 1007a of Title 7, Agriculture.

§ 1020n-1. Fraudulently obtained loans; personal liability of Federal employees.

REPEATED —Act July 1, 1941, ch. 287, § 1, 55 Stat. 444.

SUBCHAPTER III.—FEDERAL INTERMEDIATE CREDIT BANKS

TAX EXEMPTION

§ 1111. Capital and income; debentures instrumentalities of Government.

CROSS REFERENCES

United States obligations issued after Feb. 28, 1941, subject to Federal taxation, see section 742a of Title 31, Money and Finance.

SUBCHAPTER VI.—PROVISIONS COMMON TO PRODUCTION CREDIT CORPORATIONS, PRODUCTION CREDIT ASSOCIATIONS, REGIONAL AND CENTRAL BANKS FOR COOPERATIVES

§ 1138c. Tax exemption; realty and tangible personalty as subject to taxation; termination of tax exemption after retirement of Government-owned stock.

CROSS REFERENCES

United States obligations issued after Feb. 28, 1941, subject to Federal taxation, see section 742a of Title 31, Money and Finance.

Chapter 11.—FEDERAL HOME LOAN BANK ACT

§ 1430. Advances—(a) Authorization to make; limitation on amount.

* * * * *

(1) If secured by a mortgage insured under the provisions of sections 1707-1715 and 1736-1742 of this title, the advance may be for an amount not in excess of 90 per centum of the unpaid principal of the mortgage loan. (As amended Mar. 28, 1941, ch. 31, § 7, 55 Stat. 62.)

* * * * *

SAVING CLAUSE

Separability of act Mar. 28, 1941, cited to text, see note under section 1736 of this title.

§ 1433. Exemption from taxation; obligation acceptable as credit on debt of home owner.

CROSS REFERENCES

United States obligations issued after Feb. 28, 1941, subject to Federal taxation, see section 742a of Title 31, Money and Finance.

Chapter 12.—HOME OWNERS' LOAN ACT OF 1933

§§ 1463, 1464.

CROSS REFERENCES

United States obligations issued after Feb. 28, 1941, subject to Federal taxation, see section 742a of Title 31, Money and Finance.

Chapter 13.—NATIONAL HOUSING

SUBCHAPTER I.—HOUSING RENOVATION AND MODERNIZATION

Sec.

1706b. Taxation of real property held by Administrator (New).

SUBCHAPTER VI.—DEFENSE HOUSING INSURANCE (NEW)

Sec.

- 1736 Definitions.
- 1737 Creation of Defense Housing Insurance Fund
- 1738. Insurance of mortgages; eligibility; limitations on time and amount; premiums.
- 1739. Payment of benefits.
- 1740. Fund; deposit or investment of surplus money; credits and charges.
- 1741. State taxation of realty held by Administrator
- 1742. Rules and regulations.

SUBCHAPTER I.—HOUSING RENOVATION AND MODERNIZATION

§ 1702. Creation of Federal Housing Administration.

The President is authorized to create a Federal Housing Administration, all of the powers of which shall be exercised by a Federal Housing Administrator (hereinafter referred to as the "Administrator"), who shall be appointed by the President, by and with the advice and consent of the Senate, shall hold office for a term of four years, and shall receive compensation at the rate of \$12,000 per annum. In order to carry out the provisions of this subchapter and subchapters II, III, and VI of this chapter, the Administrator may establish such agencies, accept and utilize such voluntary and uncompensated services, utilize such Federal officers and employees, and, with the consent of the State, such State and local officers and employees, and appoint such other officers and employees as he may find necessary, and may prescribe their authorities, duties, responsibilities, and tenure and fix their compensation, without regard to the provisions of other laws applicable to the employment or compensation of officers or employees of the United States. The Administrator may delegate any of the functions and powers conferred upon him under this subchapter and subchapters II, III, and VI of this chapter to such officers, agents, and employees as he may designate or appoint, and may make such expenditures (including expenditures for personal services and rent at the seat of government and elsewhere, for law books and books of reference, and for paper, printing, and binding) as are necessary to carry out the provisions of this subchapter and subchapters II, III, and VI of this chapter, without regard to any other provisions of law governing the expenditure of public funds. All such compensation, expenses, and allowances shall be paid out of funds made available by this chapter. The Administrator shall, in carrying out the provisions of this subchapter and subchapters II, III, and VI, be authorized, in his official capacity, to sue and be sued in any court of competent jurisdiction, State or Federal. (As amended Mar. 28, 1941, ch. 31, § 2, 55 Stat. 61; June 28, 1941, ch. 261, § 6, 55 Stat. 365.)

AMENDMENTS

1941—Act Mar. 28, 1941, cited to text, substituted "subchapters II, III, and VI" for "subchapters II and III."

Act June 28, 1941, cited to text, substituted "\$12,000" for "\$10,000."

EFFECTIVE DATE

Amendment by act June 28, 1941, cited to text, became effective July 1, 1941.

SAVING CLAUSE

Separability of act Mar. 28, 1941, cited to text, see note under section 1736 of this title.

§ 1703. Insurance of financial institutions.

(a) The Administrator is authorized and empowered upon such terms and conditions as he may prescribe, to insure banks, trust companies, personal finance companies, mortgage companies, building and loan associations, installment lending companies, and other such financial institutions, which the Administrator finds to be qualified by experience or facilities and approves as eligible for credit insurance, against losses which they may sustain as a result of loans and advances of credit, and purchases of obligations representing loans and advances of credit, made by them on and after July 1, 1939, and prior to July 1, 1943, for the purpose of financing alterations, repairs, and improvements upon or in connection with existing structures, and the building of new structures, upon urban, suburban, or rural real property (including the restoration, rehabilitation, rebuilding, and replacement of such improvements which have been damaged or destroyed by earthquake, conflagration, tornado, hurricane, cyclone, flood, or other catastrophe), by the owners thereof or by lessees of such real property under a lease expiring not less than six months after the maturity of the loan or advance of credit. In no case shall the insurance granted by the Administrator under this section to any such financial institution on loans, advances of credit, and purchases made by such financial institution for such purposes on and after July 1, 1939, exceed 10 per centum of the total amount of such loans, advances of credit, and purchases. The total liability which may be outstanding at any time plus the amount of claims paid in respect of all insurance heretofore and hereafter granted under this section and section 1706a of this title, as amended, less the amount collected from insurance premiums and other sources and deposited in the Treasury of the United States under the provisions of subsection (f) of this section, shall not exceed in the aggregate \$165,000,000.

(b) No insurance shall be granted under this section to any such financial institution with respect to any obligation representing any such loan, advance of credit, or purchase by it (1) if the amount of such loan, advance of credit, or purchase made for the purpose of financing the alteration, repair, or improvement of existing structures exceeds \$2,500 (or in the case of the alteration, repair, or improvement of an existing dwelling designed or to be designed for more than one family, exceeds \$5,000), or for the purpose of financing the construction of new structures exceeds \$3,000; (2) if such obligation has a maturity in excess of three years and thirty-two days, where the loan, advance of credit, or purchase does not exceed \$2,500, or has a maturity in excess of five years and thirty-two days, where the loan, advance of credit, or purchase exceeds \$2,500 but does not exceed \$5,000; except that such maturity limitations shall not apply if such loan, advance of credit, or purchase is for the purpose of financing the construction of a new structure for use in whole or in part for residential or agricultural purposes; or (3) unless the obligation bears such interest, has such maturity, and

contains such other terms, conditions, and restrictions as the Administrator shall prescribe in order to make credit available for the purposes of this subchapter: *Provided*, That any obligation with respect to which insurance is granted under this section on or after July 1, 1939, may be refinanced and extended in accordance with such terms and conditions as the Administrator may prescribe, but in no event for an additional amount or term in excess of the maximum provided for in this subsection.

(c) (1) Notwithstanding any other provision of law, the Administrator shall have the power, under regulations to be prescribed by him and approved by the Secretary of the Treasury, to assign or sell at public or private sale, or otherwise dispose of, any evidence of debt, contract, claim, personal property, or security assigned to or held by him in connection with the payment of insurance heretofore or hereafter granted under this section, and to collect or compromise all obligations assigned to or held by him and all legal or equitable rights accruing to him in connection with the payment of such insurance until such time as such obligations may be referred to the Attorney General for suit or collection.

(2) The Administrator is authorized and empowered (a) to deal with, complete, rent, renovate, modernize, insure, or sell for cash or credit, in his discretion, and upon such terms and conditions and for such consideration as the Administrator shall determine to be reasonable, any real property conveyed to or otherwise acquired by him in connection with the payment of insurance heretofore or hereafter granted under this subchapter and (b) to pursue to final collection, by way of compromise or otherwise, all claims against mortgagors assigned by mortgagees to the Administrator in connection with such real property by way of deficiency or otherwise: *Provided*, That section 5 of Title 41 shall not be construed to apply to any contract of hazard insurance or to any purchase or contract for services or supplies on account of such property if the amount thereof does not exceed \$1,000. The power to convey and to execute in the name of the Administrator deeds of conveyance, deeds of release, assignments and satisfactions of mortgages, and any other written instrument relating to real property or any interest therein heretofore or hereafter acquired by the Administrator pursuant to the provisions of this subchapter may be exercised by the Administrator or by any Assistant Administrator appointed by him without the execution of any express delegation of power or power of attorney: *Provided*, That nothing in this paragraph shall be construed to prevent the Administrator from delegating such power by order or by power of attorney, in his discretion, to any officer or agent he may appoint.

* * * * *

(f) The Administrator shall fix a premium charge for the insurance hereafter granted under this subchapter, but in the case of any obligation representing any loan, advance of credit, or purchase, such premium charge shall not exceed an amount equivalent to three-fourths of 1 per centum per annum of the net proceeds of such loan, advance of credit, or

purchase, for the term of such obligation, and such premium charge shall be payable in advance by the financial institution and shall be paid at such time and in such manner as may be prescribed by the Administrator. The moneys derived from such premium charges and all moneys collected by the Administrator as fees of any kind in connection with the granting of insurance as provided in this section, and all moneys derived from the sale, collection, disposition, or compromise of any evidence of debt, contract, claim, property, or security assigned to or held by the Administrator as provided in subsection (c) of this section with respect to insurance granted on and after July 1, 1939, shall be deposited in an account in the Treasury of the United States, which account shall be available for defraying the operating expenses of the Federal Housing Administration under this subchapter, and any amounts in such account which are not needed for such purpose may be used for the payment of claims in connection with the insurance granted under this subchapter. (As amended June 28, 1941, ch. 261, §§ 1-5, 55 Stat. 364, 365.)

AMENDMENTS

1941—Subsec. (a) was amended by act June 28, 1941, cited to text, which substituted "July 1, 1943" for "July 1, 1941" in the first sentence; inserted "and other sources" after "premiums"; and substituted "\$165,000,000" for "\$100,000,000."

Subsec. (b) was amended by act June 28, 1941, cited to text, which inserted "made for the purpose of financing . . . construction of new structures exceeds \$3,000" for "exceeds \$2,500"; substituted in clause (2) the words "where the loan . . . limitations shall not apply if" for "unless"; and added proviso at end.

Subsec. (c) was amended by act June 28, 1941, cited to text, which numbered subsec. as par. (1), inserted "personal" before "property" therein, and added par. (2).

Subsec. (f) was amended by act June 28, 1941, cited to text, which added to last sentence the words "and all moneys collected by the Administrator . . . with respect to insurance collected on and after July 1, 1939."

§ 1706. Annual report.

The Administrator shall make an annual report to the Congress as soon as practicable after the 1st day of January in each year of his activities under this subchapter and subchapters II, III, and VI of this chapter. (As amended Mar. 28, 1941, ch. 31, § 3, 55 Stat. 61.)

AMENDMENTS

1941—Act Mar. 28, 1941, cited to text, substituted "subchapters II, III, and VI" for "subchapters II and III".

SAVING CLAUSE

Separability of act Mar. 28, 1941, cited to text, see note under section 1736 of this title.

§ 1706b. Taxation of real property held by Administrator.

Nothing in this subchapter shall be construed to exempt any real property acquired and held by the Administrator in connection with the payment of insurance heretofore or hereafter granted under this subchapter from taxation by any State or political subdivision thereof, to the same extent, according to its value, as other real property is taxed. (June 27, 1934, ch. 847, § 7, as added June 28, 1941, ch. 261, § 7, 55 Stat. 365.)

SUBCHAPTER II.—MORTGAGE INSURANCE

§ 1707. Definitions.

(a) The term "mortgage" means a first mortgage on real estate, in fee simple, or on a leasehold (1) under a lease for not less than ninety-nine years which is renewable or (2) under a lease having a period of not less than fifty years to run from the date the mortgage was executed; and the term "first mortgage" means such classes of first liens as are commonly given to secure advances on, or the unpaid purchase price of, real estate, under the laws of the State, in which the real estate is located, together with the credit instruments, if any, secured thereby.

(d) The term "State" includes the several States, and Alaska, Hawaii, Puerto Rico, the District of Columbia, and the Virgin Islands. (As amended Mar. 28, 1941, ch. 31, § 4 (a), 55 Stat. 61.)

AMENDMENTS

1941—Act March 28, 1941, cited to text, struck out words "district, or Territory" in subsec. (a) and added subsec. (d).

SAVING CLAUSE

Separability of act Mar. 28, 1941, cited to text, see note under section 1736 of this title.

§ 1709. Insurance of mortgages—(a) Authority of Administrator; aggregate of insurance; duration of authority.

The Administrator is authorized, upon application by the mortgagee, to insure as hereinafter provided any mortgage offered to him which is eligible for insurance as hereinafter provided, and, upon such terms as the Administrator may prescribe, to make commitments for the insuring of such mortgages prior to the date of their execution or disbursement thereon: *Provided*, That the aggregate amount of principal obligations of all mortgages insured under this subchapter and outstanding at any one time shall not exceed \$4,000,000,000, except that with the approval of the President such aggregate amount may be increased to not to exceed \$5,000,000,000: *Provided further*, That the aggregate amount of principal obligations of all mortgages that cover property the construction of which was completed more than one year prior to the date of the application for insurance, and that are insured under this subchapter after June 3, 1939, and outstanding at any one time shall not exceed 35 per centum of the total amount of the principal obligations of mortgages with respect to which insurance may be granted under this subchapter after such date: *Provided further*, That on and after July 1, 1944, no mortgages shall be insured under this subchapter except mortgages that cover property which is approved for mortgage insurance prior to the completion of the construction of such property, or which has been previously covered by a mortgage insured by the Administrator. (As amended June 28, 1941, ch. 261, § 8, 55 Stat. 365.)

AMENDMENTS

1941—Subsec. (a) was amended by act June 28, 1941, cited to text, which substituted "\$4,000,000,000" for

"\$3,000,000,000", "\$5,000,000,000" for "\$4,000,000,000"; substituted in second proviso words "June 3, 1939 . . . to which insurance may be granted under this chapter after such date." for "the effective date of this amendment . . . to which insurance may be granted under this chapter after such date;" and substituted "July 1, 1944" in third proviso for "July 1, 1941."

§ 1710. Payment of insurance—(a) Conveyance and assignment by mortgagee; debentures and certificates of claim; cost of foreclosure.

In any case in which the mortgagee under a mortgage insured under section 1709 or section 1715a of this title shall have foreclosed and taken possession of the mortgaged property in accordance with regulations of, and within a period to be determined by, the Administrator, or shall, with the consent of the Administrator, have otherwise acquired such property from the mortgagor after default, the mortgagee shall be entitled to receive the benefit of the insurance as hereinafter provided, upon (1) the prompt conveyance to the Administrator of title to the property which meets the requirements of rules and regulations of the Administrator in force at the time the mortgage was insured, and which is evidenced in the manner prescribed by such rules and regulations, and (2) the assignment to him of all claims of the mortgagee against the mortgagor or others, arising out of the mortgage transaction or foreclosure proceedings, except such claims as may have been released with the consent of the Administrator. Upon such conveyance and assignment the obligation of the mortgagee to pay the premium charges for insurance shall cease and the Administrator shall, subject to the cash adjustment hereinafter provided, issue to the mortgagee debentures having a total face value equal to the value of the mortgage and a certificate of claim, as hereinafter provided. For the purposes of this subsection, the value of the mortgage shall be determined, in accordance with rules and regulations prescribed by the Administrator, by adding to the amount of the original principal obligation of the mortgage which was unpaid on the date of the institution of foreclosure proceedings, or on the date of the acquisition of the property after default other than by foreclosure, the amount of all payments which have been made by the mortgagee for taxes, ground rents, and water rates, which are liens prior to the mortgage, special assessments which are noted on the application for insurance or which become liens after the insurance of the mortgage, insurance on the mortgaged property, and any mortgage insurance premiums paid after either of such dates, and by deducting from such total amount any amount received on account of the mortgage after either of such dates, and any amount received as rent or other income from the property, less reasonable expenses incurred in handling the property, after either of such dates: *Provided*, That with respect to mortgages which are accepted for insurance prior to July 1, 1944, under section 1709 (b) (2) (B) of this title, and which are foreclosed before there shall have been paid on account of the principal obligation of the mortgage a sum equal to 10 per centum of the appraised value of the property as of the date the mortgage was accepted for insurance, there may be included in the debentures issued by the Administrator, on account of foreclosure costs actually

paid by the mortgagee and approved by the Administrator an amount not in excess of 2 per centum of the unpaid principal of the mortgage as of the date of the institution of foreclosure proceedings, but in no event in excess of \$75. (As amended June 28, 1941, ch. 261, § 9, 55 Stat. 365.)

AMENDMENTS

1941—Subsec. (a) was amended by act June 28, 1941, cited to text, which substituted "July 1, 1944" for "July 1, 1941" in last sentence

§ 1713. Rental housing insurance—(a) Definitions.

(1) The term "mortgage" means a first mortgage on real estate in fee simple, or on the interest of either the lessor or lessee thereof (A) under a lease for not less than ninety-nine years which is renewable or (B) under a lease having a period of not less than fifty years to run from the date the mortgage was executed, upon which there is located or upon which there is to be constructed a building or buildings designed principally for residential use; and the term "first mortgage" means such classes of first liens as are commonly given to secure advances (including but not being limited to advances during construction) on, or the unpaid purchase price of, real estate under the laws of the State, in which the real estate is located, together with the credit instrument or instruments, if any, secured thereby, and may be in the form of trust mortgages or mortgage indentures or deeds of trust securing notes, bonds, or other credit instruments.

(7) The term "State" includes the several States, and Alaska, Hawaii, Puerto Rico, the District of Columbia, and the Virgin Islands. (As amended Mar. 28, 1941, ch. 31, § 4 (b), 55 Stat. 62.)

AMENDMENTS

1941—Act March 28, 1941, cited to text, struck out words "district, or Territory" in par. (1) and added par. (7).

SAVING CLAUSE

Separability of act Mar. 28, 1941, cited to text, see note under section 1736 of this title.

§ 1715. Statistical and economic surveys.

The Administrator shall cause to be made such statistical surveys and legal and economic studies as he shall deem useful to guide the development of housing and the creation of a sound mortgage market in the United States, and shall publish from time to time the results of such surveys and studies. Expenses of such studies and surveys, and expenses of publication and distribution of the results of such studies and surveys, shall be charged as a general expense of the Fund, the Housing Fund, and the Defense Housing Insurance Fund in such proportion as the Administrator shall determine. (As amended Mar. 28, 1941, ch. 31, § 4 (c), 55 Stat. 62.)

AMENDMENTS

1941—Act Mar. 28, 1941, cited to text, substituted "Fund, the Housing Fund, and the Defense Housing Insurance Fund" for "Fund and the Housing Fund."

SAVING CLAUSE

Separability of act Mar. 28, 1941, cited to text, see note under section 1736 of this title.

SUBCHAPTER III.—NATIONAL MORTGAGE ASSOCIATIONS

§ 1716. Creation and powers of national mortgage associations.

(a) * * *

(2) To purchase, service, or sell any mortgages, or partial interests therein, which are insured under subchapters II and VI of this chapter. (As amended Mar. 28, 1941, ch. 31, § 5, 55 Stat. 62.)

AMENDMENTS

1941—Act March 28, 1941, cited to text, substituted "subchapters II and VI" for "subchapter II" in subsec (a), par. (2).

SAVING CLAUSE

Separability of act Mar. 28, 1941, cited to text, see note under section 1736 of this title.

§ 1717. Obligations of national mortgage associations.

Each national mortgage association is authorized to issue and have outstanding at any time notes, bonds, debentures, or other such obligations in an aggregate amount not to exceed (1) twenty times the amount of its paid-up capital and surplus, and in no event to exceed (2) the current unpaid principal of mortgages held by it and insured under the provisions of subchapters II and VI of this chapter, plus the amount of its cash on hand and on deposit and the amortized value of its investments in bonds or other obligations of, or in bonds or other obligations guaranteed as to principal and interest by, the United States. No national mortgage association shall borrow money otherwise than through the issuance of such notes, bonds, debentures, or other obligations, except with the approval of the Administrator and under such rules and regulations as he shall prescribe. An association may, if its by-laws so provide, accept any notes, bonds, debentures, or other obligations issued by it in payment of obligations due it at par plus accrued interest: *Provided*, That such notes, bonds, debentures, or other obligations so accepted shall be canceled and not reissued. (As amended Mar. 28, 1941, ch. 31, § 6, 55 Stat. 62.)

AMENDMENTS

1941—First sentence was amended by act Mar. 28, 1941, cited to text.

SAVING CLAUSE

Separability of act Mar. 28, 1941, cited to text, see note under section 1736 of this title.

SUBCHAPTER V.—MISCELLANEOUS

§ 1731. Penalties.

(d) No individual, association, partnership, or corporation shall hereafter, while the Federal Housing Administration exists, use the combination of letters "FHA", the words "Federal Housing" or "National Housing", or any combination or variation of such letters or words alone or with other letters or words as the name under which he or it shall do business, for the purpose of trade, or by way of advertisement to induce the sale of any article or product whatsoever, which use shall have the

effect of leading the public to believe that any such individual, association, partnership, or corporation, or any article or product so offered for sale, has any connection with, approval of, or authorization from, the Federal Housing Administration, the Government of the United States, or any instrumentality thereof where such connection, approval, or authorization does not, in fact, exist. No individual, association, partnership, or corporation shall falsely advertise, or otherwise represent falsely by any device whatsoever, that any project or business in which he or it is engaged, or product which he or it manufactures, deals in, or sells, has been in any way endorsed, authorized, or approved by the Federal Housing Administration, or by the Government of the United States, or by any instrumentality thereof. Every violation of this subsection shall be punished by a fine not exceeding \$1,000 or by imprisonment not exceeding one year, or both. (As amended June 28, 1941, ch. 261, § 10, 55 Stat. 365.)

* * * * *

AMENDMENTS

1941—Subsec. (d) was amended by act June 28, 1941, cited to text, which affected first sentence.

SUBCHAPTER VI.—DEFENSE HOUSING
INSURANCE

§ 1736. Definitions.

As used in this subchapter—

(a) The term "mortgage" means a first mortgage on real estate, in fee simple, or on a leasehold (1) under a lease for not less than ninety-nine years which is renewable; or (2) under a lease having a period of not less than fifty years to run from the date the mortgage was executed; and the term "first mortgage" means such classes of first liens as are commonly given to secure advances on, or the unpaid purchase price of, real estate, under the laws of the State in which the real estate is located, together with the credit instruments, if any, secured thereby.

(b) The term "mortgagee" includes the original lender under a mortgage, and his successors and assigns approved by the Administrator; and the term "mortgagor" includes the original borrower under a mortgage and his successors and assigns.

(c) The term "maturity date" means the date on which the mortgage indebtedness would be extinguished if paid in accordance with periodic payments provided for in the mortgage.

(d) The term "State" includes the several States, and Alaska, Hawaii, Puerto Rico, the District of Columbia, and the Virgin Islands. (June 27, 1934, ch. 847, title VI, § 601, as added Mar. 28, 1941, ch. 31, § 1, 55 Stat. 55.)

SEPARABILITY OF PROVISIONS

Section 9 of act Mar. 28, 1941, cited to text, which act affected sections 371, 1430, 1702, 1706, 1707, 1713, 1715, 1716, 1717, and 1736-1742 of this title, and section 609k of Title 15, Commerce and Trade, provided: "If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby."

§ 1737. Creation of Defense Housing Insurance Fund.

There is hereby created a Defense Housing Insurance Fund which shall be used by the Administrator

as a revolving fund for the carrying out of the provisions of this subchapter, and mortgages insured under this subchapter shall be known and referred to as "defense housing insured mortgages". For this purpose, the Reconstruction Finance Corporation shall make available to the Administrator such funds as he may deem necessary, not to exceed \$10,000,000, and the amount of notes, debentures, bonds, or other such obligations which the Corporation is authorized to issue and have outstanding at any one time under existing law is hereby increased by an amount sufficient to provide such funds: *Provided*, That the Secretary of the Treasury is authorized and directed to cancel from time to time, upon the request of the Corporation, notes of the Corporation (which notes are hereby made available to the Secretary of the Treasury for purposes of this section), and to discharge its liability, as respects all sums due and unpaid upon or in connection with such notes at the time of such cancellation and discharge in a principal amount equal to the funds made available to the Administrator by the Corporation under or by reason of this subchapter together with interest paid to the Treasury thereon: *Provided further*, That any evidence of indebtedness with respect to funds so disbursed by the Corporation shall be transferred to the Secretary of the Treasury; that the Secretary and the Corporation are authorized and directed to make such adjustments on their books and records as may be necessary to carry out the purposes of this section; that the amount of notes, debentures, bonds, or other such obligations which the Corporation is authorized to issue and have outstanding at any one time under the provisions of this section shall be correspondingly reduced by the amount of notes so canceled by the Secretary, and that any sums at any time received by the Corporation, representing repayments or recoveries of funds so disbursed shall forthwith be covered into the general fund of the Treasury: *And provided further*, There shall be allocated immediately to the Defense Housing Insurance Fund the sum of \$5,000,000 out of funds made available to the Administrator for this purpose. General expenses of operation of the Federal Housing Administration under this subchapter may be charged to the Defense Housing Insurance Fund. (June 27, 1934, ch. 847, title VI, § 602, as added Mar. 28, 1941, ch. 31, § 1, 55 Stat. 55.)

SAVING CLAUSE

Separability of act Mar. 28, 1941, cited to text, see note under section 1736 of this title.

CROSS REFERENCES

A portion of this section is also set out as section 609k of Title 15, Commerce and Trade.

§ 1738. Insurance of mortgages; eligibility; limitations on time and amount; premiums.

(a) The Administrator is authorized, upon application by the mortgagee, to insure as hereinafter provided any mortgage which is eligible for insurance as hereinafter provided and upon such terms as the Administrator may prescribe to make commitments for the insuring of such mortgages prior to the date of their execution or disbursement thereon: *Provided*, That the property covered by

the mortgage is in an area or locality in which the President shall find that an acute shortage of housing exists or impends which would impede national-defense activities: *Provided further*, That the aggregate amount of principal obligations of all mortgages insured under this section shall not exceed \$300,000,000: *And provided further*, That no mortgage shall be insured under this section after July 1, 1942, or after such earlier date as the emergency, declared by the President on September 8, 1939, to exist, has by his declaration ceased to exist, except pursuant to a commitment to insure issued on or before July 1, 1942, or such earlier date, whichever first occurs.

(b) To be eligible for insurance under this section a mortgage shall—

(1) have been made to, and be held by, a mortgagee approved by the Administrator as responsible and able to service the mortgage properly;

(2) involve a principal obligation (including such initial service charges, appraisal, inspection, and other fees as the Administrator shall approve) in an amount not to exceed 90 per centum of the appraised value (as of the date the mortgage is accepted for insurance) of a property, urban, suburban, or rural upon which there is located a dwelling designed principally for residential use for not more than four families in the aggregate, which is approved for mortgage insurance or defense housing insurance prior to the beginning of construction, and (i) the construction of which is begun after March 28, 1941, or (ii) the construction of which was begun after January 1, 1940, and prior to March 28, 1941, and which has not been sold or occupied since completion. Such principal obligation shall not exceed—

(A) \$4,000 if such dwelling is designed for a single-family residence, or

(B) \$6,000 if such dwelling is designed for a two-family residence, or

(C) \$8,000 if such dwelling is designed for a three-family residence, or

(D) \$10,500 if such dwelling is designed for a four-family residence;

(3) have a maturity satisfactory to the Administrator but not to exceed twenty years from the date of the insurance of the mortgage;

(4) contain complete amortization provisions satisfactory to the Administrator;

(5) bear interest (exclusive of premium charges for insurance) but not to exceed 5 per centum per annum on the amount of the principal obligation outstanding at any time, or not to exceed 6 per centum per annum if the Administrator finds that in certain areas or under special circumstances the mortgage market demands it;

(6) provide, in a manner satisfactory to the Administrator, for the application of the mortgagor's periodic payments (exclusive of the amount allocated to interest and to the premium charge which is required for mortgage insurance as herein provided) to amortization of the principal of the mortgage; and

(7) contain such terms and provisions with respect to insurance, repairs, alterations, payment of taxes, default reserves, delinquency charges, fore-

closure proceedings, anticipation of maturity, additional and secondary liens, and other matters as the Administrator may in his discretion prescribe.

(c) The Administrator is authorized to fix a premium charge for the insurance of mortgages under this subchapter but in the case of any mortgage such charge shall not be less than an amount equivalent to one-half of 1 per centum per annum nor more than an amount equivalent to 1½ per centum per annum of the amount of the principal obligation of the mortgage outstanding at any time, without taking into account delinquent payments or prepayments. Such premium charges shall be payable by the mortgagee, either in cash, or in debentures issued by the Administrator under this subchapter at par plus accrued interest, in such manner as may be prescribed by the Administrator: *Provided*, That the Administrator may require the payment of one or more such premium charges at the time the mortgage is insured, at such discount rate as he may prescribe not in excess of the interest rate specified in the mortgage. If the Administrator finds upon the presentation of a mortgage for insurance and the tender of the initial premium charge or charges so required that the mortgage complies with the provisions of this subchapter, such mortgage may be accepted for insurance by endorsement or otherwise as the Administrator may prescribe; but no mortgage shall be accepted for insurance under this section unless the Administrator finds that the project with respect to which the mortgage is executed is economically sound. In the event that the principal obligation of any mortgage accepted for insurance under this subchapter is paid in full prior to the maturity date, the Administrator is further authorized in his discretion to require the payment by the mortgagee of an adjusted premium charge in such amount as the Administrator determines to be equitable, but not in excess of the aggregate amount of the premium charges that the mortgagee would otherwise have been required to pay if the mortgage had continued to be insured under this section until such maturity date; and in the event that the principal obligation is paid in full as herein set forth, and a mortgage on the same property is accepted for insurance at the time of such payment, the Administrator is authorized to refund to the mortgagee for the account of the mortgagor all, or such portion as he shall determine to be equitable, of the current unearned premium charges theretofore paid.

(d) Any contract of insurance heretofore or hereafter executed by the Administrator under this subchapter shall be conclusive evidence of the eligibility of the mortgage for insurance, and the validity of any contract of insurance so executed shall be incontestable in the hands of an approved mortgagee from the date of the execution of such contract, except for fraud or misrepresentation on the part of such approved mortgagee. (June 27, 1934, ch. 847, title VI, § 603, as added Mar. 28, 1941, ch. 31, § 1, 55 Stat. 56, and amended Sept. 2, 1941, ch. 410, 55 Stat. 686.)

AMENDMENTS

1941—Subsec. (a) amended by act Sept. 2, 1941, cited to text, which substituted "\$300,000,000" for "\$100,000,000."

SAVING CLAUSE

Separability of act Mar. 23, 1941, cited to text, see note under section 1736 of this title

§ 1739. Payment of benefits.

(a) In any case in which the mortgagee under a mortgage insured under this subchapter shall have foreclosed and taken possession of the mortgaged property, in accordance with regulations of, and within a period to be determined by, the Administrator, or shall, with the consent of the Administrator, have otherwise acquired such property from the mortgagor after default, the mortgagee shall be entitled to receive the benefit of the insurance as hereinafter provided, upon (1) the prompt conveyance to the Administrator of title to the property which meets the requirements of rules and regulations of the Administrator in force at the time the mortgage was insured, and which is evidenced in the manner prescribed by such rules and regulations; and (2) the assignment to him of all claims of the mortgagee against the mortgagor or others, arising out of the mortgage transaction or foreclosure proceedings except such claims as may have been released with the consent of the Administrator. Upon such conveyance and assignment the obligation of the mortgagee to pay the premium charges for insurance shall cease and the Administrator shall, subject to the cash adjustment hereinafter provided, issue to the mortgagee debentures having a total face value equal to the value of the mortgage and a certificate of claim, as hereinafter provided. For the purposes of this subsection, the value of the mortgage shall be determined, in accordance with rules and regulations prescribed by the Administrator, by adding to the amount of the original principal obligation of the mortgage which was unpaid on the date of the institution of foreclosure proceedings, or on the date of the acquisition of the property after default other than by foreclosure, the amount of all payments which have been made by the mortgagee for taxes, ground rents, and water rates, which are liens prior to the mortgage, special assessments which are noted on the application for insurance or which become liens after the insurance of the mortgage, insurance of the mortgaged property, and any mortgage insurance premiums paid after either of such dates and by deducting from such total amount any amount received on account of the mortgage after either of such dates, and any amount received as rent or other income from the property, less reasonable expenses incurred in handling the property, after either of such dates: *Provided*, That with respect to mortgages which are foreclosed before there shall have been paid on account of the principal obligation of the mortgage a sum equal to 10 per centum of the appraised value of the property as of the date the mortgage was accepted for insurance, there may be included in the debentures issued by the Administrator, on account of the cost of foreclosure (or of acquiring the property by other means) actually paid by the mortgagee and approved by the Administrator an amount—

(1) not in excess of 2 per centum of the unpaid principal of the mortgage as of the date of the insti-

tution of foreclosure proceedings and not in excess of \$75; or

(2) not in excess of two-thirds of such cost, whichever is the greater.

(b) The Administrator may at any time, under such terms and conditions as he may prescribe, consent to the release of the mortgagor from his liability under the mortgage or the credit instrument secured thereby, or consent to the release of parts of the mortgaged property from the lien of the mortgage: *Provided*, That the mortgagor shall not be released from such liability in any case until the Administrator is satisfied that the mortgaged property has been sold to a purchaser satisfactory to the Administrator, and that such purchaser has paid on account of the purchase price, in cash or its equivalent, at least 10 per centum of the appraised value of such property as determined by the Administrator as of the date the mortgage is accepted for insurance.

(c) Debentures issued under this section shall be in such form and denominations in multiples of \$50, shall be subject to such terms and conditions, and shall include such provisions for redemption, if any, as may be prescribed by the Administrator with the approval of the Secretary of the Treasury, and may be in coupon or registered form. Any difference between the value of the mortgage determined as herein provided and the aggregate face value of the debentures issued, not to exceed \$50, shall be adjusted by the payment of cash by the Administrator to the mortgagee from the Defense Housing Insurance Fund.

(d) The debentures issued under this section to any mortgagee shall be executed in the name of the Defense Housing Insurance Fund as obligor, shall be signed by the Administrator by either his written or engraved signature, and shall be negotiable. All such debentures shall be dated as of the date foreclosure proceedings were instituted, or the property was otherwise acquired by the mortgagee after default, and shall bear interest from such date at a rate determined by the Administrator, with the approval of the Secretary of the Treasury, at the time the mortgage was offered for insurance, but not to exceed 3 per centum per annum, payable semiannually on the 1st day of January and the 1st day of July of each year, and shall mature three years after the 1st day of July following the maturity date of the mortgage on the property in exchange for which the debentures were issued. Such debentures shall be exempt both as to principal and interest, from all taxation (except surtaxes, estate, inheritance, and gift taxes) now or hereafter imposed by any Territory, dependency, or possession of the United States, or by the District of Columbia, or by any State, county, municipality, or local taxing authority, and shall be paid out of the Defense Housing Insurance Fund, which shall be primarily liable therefor, and they shall be fully and unconditionally guaranteed as to principal and interest by the United States, and such guaranty shall be expressed on the face of the debentures. In the event that the Defense Housing Insurance Fund fails to pay upon demand, when due, the principal

of or interest on any debentures issued under this section, the Secretary of the Treasury shall pay to the holders the amount thereof which is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, and thereupon to the extent of the amount so paid the Secretary of the Treasury shall succeed to all the rights of the holders of such debentures.

(e) The certificate of claim issued by the Administrator to any mortgagee shall be for an amount which the Administrator determines to be sufficient, when added to the face value of the debentures issued and the cash adjustment paid to the mortgagee, to equal the amount which the mortgagee would have received if, at the time of the conveyance to the Administrator of the property covered by the mortgage, the mortgagor had redeemed the property and paid in full all obligations under the mortgage and a reasonable amount for necessary expenses incurred by the mortgagee in connection with the foreclosure proceedings, or the acquisition of the mortgaged property otherwise, and the conveyance thereof to the Administrator. Each such certificate of claim shall provide that there shall accrue to the holder of such certificate with respect to the face amount of such certificate, an increment at the rate of 3 per centum per annum which shall not be compounded. The amount to which the holder of any such certificate shall be entitled shall be determined as provided in subsection (f).

(f) If the net amount realized from any property conveyed to the Administrator under this section and the claim assigned therewith, after deducting all expenses incurred by the Administrator in handling, dealing with, and disposing of such property and in collecting such claims, exceeds the face value of the debentures issued and the cash paid in exchange for such property plus all interest paid on such debentures, such excess shall be divided as follows:

(1) If such excess is greater than the total amount payable under the certificate of claim issued in connection with such property, the Administrator shall pay to the holder of such certificate the full amount so payable, and any excess remaining thereafter shall be paid to the mortgagor of such property; and

(2) If such excess is equal to or less than the total amount payable under such certificate of claim, the Administrator shall pay to the holder of such certificate the full amount of such excess.

(g) Notwithstanding any other provision of law relating to the acquisition, handling, or disposal of real property by the United States, the Administrator shall have power to deal with, complete, rent, renovate, modernize, insure, make contracts or establish suitable agencies for the management of, or sell for cash or credit, in his discretion, any properties conveyed to him in exchange for debentures and certificates of claim as provided in this section; and notwithstanding any other provision of law, the Administrator shall also have power to pursue to final collection, by way of compromise or otherwise, all claims against mortgagors assigned by mortgagees to the Administrator as provided in this section, except that no suit or action shall be com-

menced by the Administrator against any such mortgagor on account of any claim so assigned unless such suit or action is commenced within six months after the assignment of such claim to the Administrator, or within six months after the last payment was made to the Administrator with respect to the claim so assigned, whichever is later: *Provided*, That section 5 of Title 41 shall not be construed to apply to any contract for hazard insurance, or to any purchase or contract for services or supplies on account of such property if the amount thereof does not exceed \$1,000. The power to convey and to execute in the name of the Administrator deeds of conveyances, deeds of release, assignments, and satisfactions of mortgages, and any other written instrument relating to real property or any interest therein heretofore or hereafter acquired by the Administrator pursuant to the provisions of this chapter, may be exercised by the Administrator or by any Assistant Administrator appointed by him, without the execution of any express delegation of power or power of attorney: *Provided*, That nothing in this subsection shall be construed to prevent the Administrator from delegating such power by order or by power of attorney in his discretion, to any officer, agent, or employee he may appoint.

(h) No mortgagee or mortgagor shall have and no certificate of claim shall be construed to give to any mortgagee or mortgagor, any right or interest in any property conveyed to the Administrator or in any claim assigned to him; nor shall the Administrator owe any duty to any mortgagee or mortgagor with respect to the handling or disposal of any such property or the collection of any such claim. (June 27, 1934, ch. 847, title VI, § 604, as added Mar. 28, 1941, ch. 31, § 1, 55 Stat. 53.)

SAVING CLAUSE

Separability of act Mar. 28, 1941, cited to text, see note under section 1738 of this title.

§ 1740. Fund; deposit or investment of surplus money: credits and charges.

(a) Moneys in the Defense Housing Insurance Fund not needed for the current operations of the Federal Housing Administration under this subchapter shall be deposited with the Treasurer of the United States to the credit of the Defense Housing Insurance Fund, or invested in bonds or other obligations of, or in bonds or other obligations guaranteed as to principal and interest by the United States. The Administrator may, with the approval of the Secretary of the Treasury, purchase in the open market debentures issued under the provisions of section 1739. Such purchases shall be made at a price which will provide an investment yield of not less than the yield obtainable from other investments authorized by this section. Debentures so purchased shall be canceled and not reissued.

(b) Premium charges, adjusted premium charges, and appraisal and other fees received on account of the insurance of any mortgage accepted for insurance under this subchapter, the receipts derived from the property covered by such mortgage and claims assigned to the Administrator in connection there-

with shall be credited to the Defense Housing Insurance Fund. The principal of, and interest paid and to be paid on debentures issued under this subchapter, cash adjustments, and expenses incurred in the handling, management, renovation, and disposal of properties acquired under the subchapter shall be charged to the Defense Housing Insurance Fund. (June 27, 1934, ch. 847, title VI, § 605, as added Mar. 28, 1941, ch. 31, § 1, 55 Stat. 61.)

SAVING CLAUSE

Separability of act Mar. 28, 1941, cited to text, see note under section 1736 of this title.

§ 1741. State taxation of realty held by Administrator.

Nothing in this subchapter shall be construed to exempt any real property acquired and held by the Administrator under this subchapter from taxation by any State or political subdivision thereof, to the same extent, according to its value, as other real

property is taxed. (June 27, 1934, ch. 867, title VI, § 606, as added Mar. 28, 1941, ch. 31, § 1, 55 Stat. 61.)

SAVING CLAUSE

Separability of act Mar. 28, 1941, cited to text, see note under section 1736 of this title.

§ 1742. Rules and regulations.

The Administrator is authorized and directed to make such rules and regulations as may be necessary to carry out the provisions of this subchapter. (June 27, 1934, ch. 847, title VI, § 607, as added Mar. 28, 1941, ch. 31, § 1, 55 Stat. 61.)

SAVING CLAUSE

Separability of act Mar. 28, 1941, cited to text, see note under section 1736 of this title.

CROSS REFERENCES

United States obligations issued after Feb. 28, 1941, subject to Federal taxation, see section 742a of Title 31, Money and Finance.

TITLE 14.—COAST GUARD

Chapter 1.—GENERAL PROVISIONS

- Sec.
31b. Exchange of certain equipment in part payment of new equipment of similar character (New).
35a. Extension of enlistments during war or national emergency (New).
35b. Enlistment, continuation of term during disability (New).
35c. Same; extension by Secretary of Navy in time of war (New).

§ 1. Establishment of Coast Guard; control of organization generally; cooperation with Navy.

The Coast Guard as heretofore established in lieu of the Revenue Cutter Service and the Life Saving Service, existing prior to January 28, 1915, is continued. The Coast Guard which shall be a military service and constitute a branch of the land and naval forces of the United States at all times and shall operate under the Treasury Department in time of peace and operate as a part of the Navy, subject to the orders of the Secretary of the Navy, in time of war or when the President shall so direct. Whenever the Coast Guard or any units thereof are transferred to the Navy Department, applicable appropriations of the Navy Department shall be available for the expenses thereof: *Provided*, That the applicable appropriations of the Coast Guard shall be available for transfer to the Navy Department for such expenses in such amount or amounts as the Director of the Bureau of the Budget shall determine: *Provided, further*, That no provision of sections 1, 2, 5, 36, 38, 65, 100, 102, 175 and 176 of this title shall be construed as giving any officer of either the Coast Guard or the Navy, military or other control at any time over any vessel, officer, or man of the other service except by direction of the President. (As amended July 11, 1941, ch. 290 §§ 5, 6 (a), 55 Stat. 585.)

AMENDMENTS

1941—Act July 11, 1941, cited to text, omitted from second sentence the words "which shall constitute a part of the military forces of the United States" after "Coast Guard" and substituted therefor the words "which shall be a military service and constitute a branch of the land and naval forces of the United States at all times." It also amended third sentence by omitting "When subject to the Secretary of the Navy in time of war the expense of the Coast Guard shall be paid by the Navy Department" and substituting therefor all preceding second proviso.

EX. ORD. NO. 8929.—COAST GUARD TO OPERATE AS PART OF THE NAVY

Ex. Ord. No. 8929, Nov. 1, 1941, 6 Fed. Reg. 5581, provided: It is hereby directed that the Coast Guard shall from this date, until further orders, operate as a part of the Navy, subject to the orders of the Secretary of the Navy.

All Coast Guard personnel operating as a part of the Navy, subject to the orders of the Secretary of the Navy, pursuant to this order, shall, while so serving, be subject to the laws enacted for the government of the Navy: *Provided*, That in the initiation, prosecution, and completion of disciplinary action, including remission or mitigation of punishments for any offense committed by

any officer or enlisted man of the Coast Guard, the jurisdiction shall depend upon and be in accordance with the laws and regulations of the Department having jurisdiction of the person of such offender at the various stages of such action: *Provided further*, That any punishment imposed and executed in accordance with the provisions of this paragraph shall not exceed that to which the offender was liable at the time of the commission of the offense.

CERTAIN VESSELS AND PERSONNEL TO ACT AS PART OF NAVY

Certain vessels and personnel of the Coast Guard were directed to operate and act as part of the Navy by Ex. Ord. No. 8895, Sept. 11, 1941, 6 Fed. Reg. 4722, and Ex. Ord. No. 8767, June 3, 1941, 6 Fed. Reg. 2743, respectively.

CROSS REFERENCES

Operation of Coast Guard as part of Navy, transfer from Secretary of Treasury to Secretary of Navy powers regulating anchorage, movement, etc., of vessels, see section 191a of Title 50, War.

§ 3. Cooperation with Navy; Coast Guard when subject to Navy regulations.

CROSS REFERENCES

Operation of Coast Guard as part of Navy, transfer from Secretary of Treasury to Secretary of Navy powers regulating anchorage, movement, etc., of vessels, see section 191a of Title 50, War.

§ 4. Repealed. July 11, 1941, ch. 290, § 6 (b), 55 Stat. 585.

§ 31b. Exchange of certain equipment in part payment of new equipment of similar character.

The Secretary of the Navy, insofar as Navy property is concerned, and the Secretary of the Treasury, insofar as Coast Guard property is concerned, are respectively authorized to exchange motor-propelled vehicles, airplanes, engines, and parts thereof, and obsolete, unsuitable, and unserviceable machines and tools, and parts thereof, in part payment for new equipment of the same or similar character as those proposed to be exchanged. (June 6, 1941, ch. 177, 55 Stat. 247.)

CODIFICATION

Provisions similar to those contained in this section are set out in section 532a of Title 34, Navy.

§ 35. Enlisted men; term of enlistment; extension; detention; pay and allowances.

(a) All persons composing the enlisted force of the Coast Guard shall be enlisted for a term not to exceed three years, in the discretion of the Secretary of the Treasury, who shall prepare regulations governing such enlistments and for the general government of the service: *Provided*, That an enlistment in the Coast Guard shall not be regarded as complete until the enlisted man concerned shall have served any time, in excess of one day, lost on account of unauthorized absence from duty, or injury, sickness, or disease, resulting from his own intemperate use of drugs or alcoholic liquors, or other misconduct, or while in confinement under sentence, or while

awaiting trial and disposition of his case if the trial results in conviction.

(b) The term of enlistment of any enlisted man in the Coast Guard may, by his voluntary written agreement, under such regulations as may be prescribed by the Secretary of the Treasury, be extended for a period of one, two or three full years from the date of expiration of the then-existing term of enlistment, and subsequent to said date an enlisted man who extends his term of enlistment as herein authorized shall be entitled to and shall receive the same pay and allowances in all respects as though regularly discharged and reenlisted immediately upon expiration of his term of enlistment. No such extension shall operate to deprive the enlisted man concerned, upon discharge at the termination thereof, of any right, privilege, or benefit to which he would have been entitled if his term of enlistment had not been so extended.

(c) Under such regulations as the Secretary of the Treasury shall prescribe, an enlisted man may be detained in the Coast Guard beyond the term of his enlistment—

1. until the first arrival of the vessel on which he is serving at its permanent station, or at a port in a State of the United States or in the District of Columbia;

2. until the first arrival of an enlisted man attached to a shore station beyond the continental limits of the United States or in Alaska at a port in any State of the United States or in the District of Columbia where his reenlistment or discharge may be effected, or until he can be discharged or reenlisted at his station beyond the continental limits of the United States or in Alaska, whichever is earlier, but in no event to exceed three months;

3. with his consent, while undergoing medical or hospital treatment for injury, sickness, or disease incurred incident to service, until a final determination is made with reference to his eligibility for reenlistment, retirement, or discharge, but in no event to exceed six months;

4. while awaiting disciplinary action or trial and disposition of his case;

5. for a period of not exceeding thirty days in other cases not specifically covered by this section, when essential to the public interests: *Provided*, That the determination that such detention is essential to the public interests, made in accordance with regulations prescribed by the Secretary of the Treasury, shall be final and conclusive.

(d) Any person detained in the Coast Guard, as provided in subparagraph (c) of this section, shall be entitled to receive pay and allowances and benefits under the same conditions as though his enlistment period had not expired, and shall be subject in all respects to the laws and regulations for the government of the Coast Guard until his discharge therefrom: *Provided*, That enlisted men detained under the provisions of subparagraph (c) 1 of this section shall be entitled to the pay and allowances provided for enlisted personnel of the Navy detained under similar circumstances: *Provided further*, That pay or allowances shall not accrue for any period beyond the term of enlistment in the case of an enlisted per-

son detained in accordance with subparagraph (c) 4 of this section if the trial results in conviction. (As amended July 11, 1941, ch. 290, § 8, 55 Stat. 586.)

AMENDMENTS

1941—Subsec. (a) was amended by act July 11, 1941, cited to text, which substituted "four" for "three" years.

Subsec. (b) was amended by act July 11, 1941, cited to text, which substituted "one, two, three, or four full years" for "one, two, or three full years."

Subsec. (c) was deleted by act July 11, 1941, cited to text, and a new subsec. (c) added by the same act.

Subsec. (d) was added by act July 11, 1941, cited to text.

CROSS REFERENCES

Continuation of enlistment during disability, see section 35b of this title.

§ 35a. Same; extension of enlistments during war or national emergency.

The provisions of sections 181, 181a, 692, 692a, and 201a of this title shall apply to personnel of the Regular Coast Guard in relationship to the Coast Guard in the same manner and to the same extent as they apply to personnel of the Regular Navy in relationship to the Navy, and the same authority vested in the Secretary of the Navy by sections 181, 181a, 201a, 692, 692a of this title, section 35a of Title 14, and section 16a of Title 37 with respect to the Navy and Marine Corps shall be, and is hereby, vested in the Secretary of the Treasury with respect to the Coast Guard. (Aug. 18, 1941, ch. 364, § 2, 55 Stat. 629.)

§ 35b. Same; continuation of term during disability.

Hereafter any enlisted man of the Army, Navy, Marine Corps, and Coast Guard of the United States in the active service, whose term of enlistment shall expire while he is suffering disease or injury incident to service and not due to misconduct, and who is in need of medical care or hospitalization, may, with his consent, be retained in such service beyond the expiration of his term of enlistment, and any such enlisted man shall be entitled to receive at Government expense medical care or hospitalization and his pay and allowances (including expense money authorized by law and credit for longevity) until he shall have recovered to such extent as would enable him to meet the physical requirements for reenlistment, or until it shall have been ascertained by competent authority of the service concerned that the disease or injury is of a character that recovery to such an extent would be impossible, whichever is earlier: *Provided*, That any enlisted man whose enlistment is extended as provided herein shall be subject to forfeiture in the same manner and to the same extent as if his term of enlistment had not expired, and nothing contained in this section shall prevent any enlisted man of the Army, Navy, or Marine Corps, and the Coast Guard, from being held in the service without his consent under, respectively, the provisions of section 1579 of Title 10, section 183 of Title 34, and section 35, subsection (a), of this title. (Dec. 12, 1941, ch. 566, 55 Stat. 797.)

CODIFICATION

Provisions similar to those of this section are set out in section 628a of Title 10, Army, and section 185 of Title 34, Navy.

§ 35c. Same; extension by Secretary of Navy in time of war.

In time of war all enlistments in the Regular Navy, Marine Corps, and Coast Guard, and in the Reserve components thereof as applicable, may be extended by the Secretary of the Navy for such additional time as he may deem necessary in the interest of national defense: *Provided*, That all men whose terms of enlistment are extended in accordance with the provisions of this section shall continue during such extensions to be subject in all respects to the laws and regulations for the government of the Navy: *Provided further*, That men detained in service in accordance with this section shall, unless they voluntarily extend their enlistments, be discharged not later than six months after the termination of the condition which originally authorized their detention. (Dec. 13, 1941, ch. 570, § 1, 55 Stat. 799.)

CODIFICATION

Same provisions as those of this section constitute section 186 of Title 34, Navy.

§ 45. Jurisdiction of Coast Guard; inland waters.

Commissioned, warrant, and petty officers of the Coast Guard are hereby empowered to make inquiries, examinations, inspections, searches, seizures, and arrests upon the high seas, and the navigable waters of the United States, its Territories, and possessions, except the Philippine Islands, for the prevention, detection, and suppression of violations of laws of the United States. For such purposes, such officers are authorized at any time to go on board of any vessel, subject to the jurisdiction, or to the operation of any law, of the United States, to address inquiries to those on board, to examine the ship's documents and papers, and to examine, inspect, and search the vessel and use all necessary force to compel compliance. When from such inquiries, examination, inspection, or search it shall appear that a breach of the laws of the United States rendering a person liable to arrest is being, or has been committed, by any person, such person shall be arrested or, if escaping to shore, shall be immediately pursued and arrested on shore, or other lawful and appropriate action shall be taken; or, if it shall appear that a breach of the laws of the United States has been committed so as to render such vessel, or the merchandise, or any part thereof, on board of, or brought into the United States by, such vessel, liable to forfeiture, or, so as to render such vessel liable to a fine or penalty and if necessary to secure such fine or penalty, such vessel shall be seized. (As amended July 11, 1941, ch. 290, § 7, 55 Stat. 585.)

AMENDMENTS

1941—Act July 11, 1941, cited to text, omitted proviso at end of first sentence which read "Provided, That nothing herein contained shall apply to the inland waters of the United States, its Territories, and possessions, other than the Great Lakes and the connecting waters thereof."

CROSS REFERENCES

Control by Coast Guard of anchorage and movement of vessels in territorial waters for safety of naval vessels, see section 191c of Title 50, War.

§ 48. Designation of officer as captain of port.

Any officer of the Coast Guard enumerated in section 45 of this title may be designated by the Commandant of the Coast Guard as captain of the port for such port or ports or adjacent navigable waters of the United States as he deems necessary to facilitate execution of the duties prescribed by sections 45-48 of this title. (As amended July 11, 1941, ch. 290, § 7, 55 Stat. 585.)

AMENDMENTS

1941—Prior to amendment by act July 11, 1941, cited to text, section defined "inland waters" as formerly used in section 45 of this title.

Chapter 2.—COAST GUARD VESSELS

Sec.

72. Acquisition of small patrol craft during national emergency (New).

73. Same, advertisements for proposals for purchase (New).

74. Same, operation of Coast Guard as part of Navy (New).

SEIZURE OF MERCHANT MARINE TRAINING SHIPS DURING NATIONAL EMERGENCY

Act July 15, 1941, ch. 302, § 2, 55 Stat. 597, provided: "Sec. 2. The President is authorized and empowered, in the interest of the national defense, through the Commandant of the Coast Guard, to purchase, charter, requisition the use of, or the possession of, for the use of the Coast Guard in the training of Coast Guard cadets and merchant marine personnel, any foreign vessel designed as a merchant marine training ship, which is lying idle in waters within the jurisdiction of the United States. *Provided*, That the provisions of the Act of Congress approved June 6, 1941 (Public, Numbered 101, Seventy-seventh Congress), (set out as note preceding section 1101 of Title 46, Shipping) except the third and fourth provisos of section 1 thereof, applicable to foreign merchant vessels shall be applicable to any foreign vessel acquired under this section."

§ 72. Acquisition of small patrol craft during national emergency.

During any period of national emergency proclaimed by the President, the Secretary of the Treasury is authorized to purchase, or accept as a gift, for the use of the Coast Guard in the performance of its maritime police functions, any motorboat, yacht, or other small craft owned by a citizen or citizens of the United States and suitable for patrolling harbors, bays, roadsteads, and other navigable waters of the United States. (Dec. 16, 1941, ch. 586, § 1, 55 Stat. 807.)

APPROPRIATIONS

Section 3 of act Dec. 16, 1941, cited to text, provided as follows: "Sec. 3. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such amount as may be necessary to purchase vessels pursuant to the provisions of this Act (sections 72-74 of this title)."

§ 73. Same; advertisements for proposals for purchases.

The purchase of any vessel pursuant to the provisions of sections 72-74 of this title may be made without regard to the provisions of section 5 of Title 41. (Dec. 16, 1941, ch. 586, § 2, 55 Stat. 807.)

§ 74. Same; operation of Coast Guard as part of Navy.

In the event the Coast Guard should operate as a part of the Navy during any period of national emer-

gency, the authority conferred by sections 72-74 of this title upon the Secretary of the Treasury shall vest in, and be exercised by, the Secretary of the Navy. (Dec. 16, 1941, ch. 586, § 4, 55 Stat. 807.)

CROSS REFERENCES

Operation of Coast Guard as part of Navy see section 1 of this title and note thereunder.

Chapter 4.—PAY AND ALLOWANCES

§ 134. Money from commutation of rations.

REPEATED.—Act May 31, 1941, ch. 156, title I, § 1, 55 Stat. 221.

Chapter 6.—RETIREMENT AND DISABILITY; ALLOWANCE TO DEPENDENTS

§ 163. Pay and allowances while on active duty.

Retired officers of the Army, Navy, Marine Corps, Coast Guard, and Coast and Geodetic Survey and retired warrant officers, nurses, and enlisted men of those services, shall, when on active duty, receive full pay and allowances. (As amended June 25, 1941, ch. 252, § 1, 55 Stat. 263.)

AMENDMENTS

1941—Act June 25, 1941, cited to text, omitted words "below the grade of brigadier general or commodore" and inserted after "warrant officers" the word "nurses."

§ 176. Pensions generally.

CROSS REFERENCES

Provisions similar to those in this section are set out as section 42 of Title 38, Pensions, Bonuses, and Veterans' Relief.

Chapter 9.—AUXILIARY AND RESERVE FORCES

SUBCHAPTER I—COAST GUARD AUXILIARY

Sec.

- 260 Establishment (New).
- 261 Purpose (New).
- 262 Composition (New).
- 263 Nature and administration of organization; regulations (New).
- 264 Eligibility of members for other organizations (New).
- 265 Use of members' craft by Coast Guard; command (New).
- 266 Same; craft deemed public vessel of U. S.; claims for damages (New).
- 267 Same; availability of Coast Guard appropriations for operation of craft (New).
- 268 Rights, powers, duties, etc., of members; allowances for services (New).
- 269 Application of existing rules, enrollments, etc. (New).

SUBCHAPTER II—COAST GUARD RESERVE (NEW)

- 301 Establishment and purpose.
- 302 Composition; qualifications of members.
- 303 Ranks, grades, and ratings.
- 304 Nature and administration of organization; regulations.
- 305 Active duty in time of war and national emergency or in time of peace.
- 306 Same; compensation.
- 307 Same; temporary membership; eligibility; compensation.
- 308 Exemption of members from other military duty; membership in other organizations prohibited.
- 309 Members subject to Coast Guard laws, regulations, and orders.
- 310 Allowance of uniform, bedding, and equipment.
- 311 Sickness, disability, or death benefits; regular members.
- 312 Same; temporary members.

Sec

- 313. Membership of United States and District of Columbia employees, leave of absence for training; benefits.
- 314 Appointment of non-commissioned Coast Guardsmen as Reserve officers; active duty in the Reserve.
- 315 Same, compensation; sickness, disability, and death benefits.

SUBCHAPTER III—GENERAL PROVISIONS (NEW)

- 351. Term of service of members.
- 352 Flags, pennants, and insignia; penalties.
- 353. Correspondence courses for members
- 354 Employment of services and facilities of Coast Guard; availability of appropriations.

SUBCHAPTER I—COAST GUARD AUXILIARY

§§ 251-259. Repealed. Feb. 19, 1941, ch. 8, title I, § 1, 55 Stat. 9.

COAST GUARD AUXILIARY FOR RESERVE

The United States Coast Guard Auxiliary was established by section 260 of this title in lieu of the United States Coast Guard Reserve provided for by former sections 251-259

§ 260. Establishment.

In lieu of the former United States Coast Guard Reserve provided for in former sections 251-259 of this title there is hereby created and established a United States Coast Guard Auxiliary (hereinafter referred to as the "Auxiliary"). (Feb. 19, 1941, ch. 8, title I, § 1, 55 Stat. 9.)

§ 261. Purpose.

It is hereby declared to be the purposes of the Auxiliary (a) to further interest in safety of life at sea and upon the navigable waters, (b) to promote efficiency in the operation of motorboats and yachts, (c) to foster a wider knowledge of, and better compliance with, the laws, rules, and regulations governing the operation of motor boats and yachts, and (d) to facilitate operations of the Coast Guard. (Feb. 19, 1941, ch. 8, title I, § 2, 55 Stat. 9.)

§ 262. Composition.

The Auxiliary shall be composed of citizens of the United States and of its Territories and possessions, except the Philippine Islands, who are owners (sole or part) of motorboats or yachts, and who may be enrolled therein pursuant to regulations prescribed under the authority of this chapter. (Feb. 19, 1941, ch. 8, title I, § 3, 55 Stat. 9.)

§ 263. Nature and administration of organization; regulations.

The Auxiliary shall be a nonmilitary organization administered by the Commandant of the Coast Guard (hereinafter referred to as the "Commandant") under the direction of the Secretary of the Treasury, and the Commandant shall, with the approval of the Secretary of the Treasury, prescribe such regulations as may be necessary to effectuate the purposes of this subchapter. (Feb. 19, 1941, ch. 8, title I, § 4, 55 Stat. 10.)

§ 264. Eligibility of members for other organizations.

Subject to regulations prescribed under the authority of this chapter, members of the Auxiliary

may also be enrolled in the Coast Guard Reserve established by subchapter II of this chapter, and membership in the Auxiliary shall not be a bar to membership in any other naval or military organization. (Feb. 19, 1941, ch. 8, title I, § 5, 55 Stat. 10.)

§ 265. Use of members' craft by Coast Guard; command.

The Coast Guard is authorized to utilize in the conduct of duties incident to the saving of life and property, in the patrol of marine parades and regattas, or for any other purpose incident to the carrying out of the functions and duties of the Coast Guard which may be authorized by the Secretary of the Treasury, any motorboat or yacht placed at its disposition for any of such purposes by any member of the Auxiliary. No such motorboat or yacht shall be assigned to Coast Guard duty unless it is placed in charge of a commissioned officer, chief warrant officer, warrant officer, or petty officer of the Coast Guard or the Coast Guard Reserve established by subchapter II of this chapter during such assignment. (Feb. 19, 1941, ch. 8, title I, § 6, 55 Stat. 10.)

§ 266. Same; craft deemed public vessel of U. S.; claims for damages.

Any motorboat or yacht, while assigned to Coast Guard duty as herein authorized, shall be deemed to be a public vessel of the United States, and within the meaning of section 71 of this title shall be deemed to be a vessel of the United States Coast Guard. (Feb. 19, 1941, ch. 8, title I, § 7, 55 Stat. 10.)

§ 267. Same; availability of Coast Guard appropriations for operation of craft.

Appropriations of the Coast Guard shall be available for the payment of actual necessary expenses of operation of any such motorboat or yacht when so utilized, but shall not be available for the payment of compensation for personal services, incident to such operation, to other than personnel of the regular Coast Guard or the Coast Guard Reserve established by subchapter II of this chapter. The term "actual necessary expenses of operation", as used herein, shall include fuel, oil, water, supplies, provisions, and any replacement or repair of equipment or any repair of the motorboat or yacht where, upon investigation by a board of not less than three commissioned officers of the regular Coast Guard, it is determined that responsibility for the loss or damage necessitating such replacement or repair of equipment or such repair of the motorboat or yacht rests with the Coast Guard. (Feb. 19, 1941, ch. 8, title I, § 8, 55 Stat. 10.)

§ 268. Rights, powers, duties, etc., of members; allowances for services.

No member of the Auxiliary, solely by reason of such membership, shall be vested with or exercise any right, privilege, power, or duty vested in or imposed upon the personnel of the Coast Guard, except that any such member may, under such regulations as the Commandant shall prescribe, act in an advisory capacity to the Commandant in the administration of the Auxiliary. Any member performing such service shall, upon authorization by the Commandant, be entitled to actual necessary traveling

expense, including subsistence or a per diem in lieu thereof, as prescribed for civilian employees of the Government. (Feb. 19, 1941, ch. 8, title I, § 9, 55 Stat. 10, as amended July 11, 1941, ch. 290, § 10 (1), 55 Stat. 587.)

AMENDMENTS

1941—Last sentence was amended by act July 11, 1941, cited to text.

§ 269. Application of existing rules, enrollments, etc.

All orders, rules, regulations, enrollments, privileges, or other benefits made, issued, or granted pursuant to former sections 251-259 of this title, and in effect on February 19, 1941, shall be applicable to the Coast Guard Auxiliary and shall continue in effect hereunder until modified or revoked in accordance with the provisions of this chapter. (Feb. 19, 1941, ch. 8, title I, § 10, 55 Stat. 10.)

SUBCHAPTER II—COAST GUARD RESERVE

§ 301. Establishment and purpose.

There is hereby created and established a United States Coast Guard Reserve (hereinafter referred to as the "Reserve"), the purpose of which is to provide a trained force of officers and men which, added to regular personnel of the Coast Guard, will be adequate to enable that service to perform such extraordinary duties as may be necessitated by emergency conditions. (Feb. 19, 1941, ch. 8, title II, § 201, 55 Stat. 11.)

§ 302. Composition; qualifications of members.

The Reserve, which shall be a component part of the Coast Guard shall be composed of male citizens of the United States and of its Territories and possessions, except the Philippine Islands, between the ages of seventeen and sixty-four, who are physically and otherwise qualified for the performance of duty with the Coast Guard, and who, through appointment or enlistment therein, obligate themselves to serve in the Coast Guard in time of war or during any period of national emergency declared by the President to exist. (Feb. 19, 1941, ch. 8, title II, § 202, 55 Stat. 11, as amended July 11, 1941, ch. 290, § 10 (2), 55 Stat. 587.)

AMENDMENTS

1941—Act July 11, 1941, cited to text, inserted comma after "Reserve" and added "which shall be a component part of the Coast Guard."

§ 303. Ranks, grades, and ratings.

The ranks, grades, and ratings in the Reserve shall be the various ranks, grades, and ratings, not above lieutenant commander, prescribed by law for the Coast Guard. (Feb. 19, 1941, ch. 8, title II, § 203, 55 Stat. 11.)

§ 304. Nature and administration of organization; regulations.

The Reserve shall be a military organization administered by the Commandant, under the direction of the Secretary of the Treasury, and the Commandant shall, with the approval of the Secretary of the Treasury and the concurrence of the Secretary of the Navy, prescribe such regulations as may be necessary to effectuate the purposes of this subchapter. (Feb. 19, 1941, ch. 8, title II, § 204, 55 Stat. 11.)

§ 305. Active duty in time of war and national emergency or in time of peace.

Any member of the Reserve may be ordered to active duty by the Commandant in time of war or during any period of national emergency declared by the President to exist and be required to perform active duty throughout the war or until the President declares that such national emergency no longer exists; but in time of peace, except for disciplinary purposes as provided in section 309 hereof, no such member shall be ordered to or continued on active duty without his consent: *Provided*, That the Commandant may release any member from active duty either in time of war or in time of peace. Members of the Reserve while engaged on active duty shall be vested with the same power, authority, rights, and privileges as members of the regular Coast Guard of similar ranks, grades, or ratings. In time of peace members of the Coast Guard Reserve may, with their consent, be given additional training or other duty either with or without pay, as may be authorized by the Secretary of the Treasury. When authorized training or other duty without pay is performed by members of the Reserve they may, in the discretion of the Secretary of the Treasury, be furnished with transportation to and from such duty, with subsistence and transfers en route and, during the performance of such duty, be furnished subsistence in kind or commutation thereof at a rate to be fixed from time to time by the Secretary of the Treasury. (Feb. 19, 1941, ch. 8, title II, § 205, 55 Stat. 11, as amended July 11, 1941, ch. 290, § 10 (3), 55 Stat. 587.)

AMENDMENTS

1941—Act July 11, 1941, cited to text, added last two sentences.

§ 306. Same; compensation.

Commissioned officers, chief warrant officers, warrant officers, and enlisted men of the Reserve when engaged on active duty, on active duty while undergoing training, on training duty with pay, or when engaged in authorized travel to or from such duty, shall receive the same pay and allowances as are received by commissioned officers, chief warrant officers, warrant officers, and enlisted men of the Naval Reserve of the same rank, grade, rating, and length of service. In determining length of service for the purposes of this section, there shall be included (a) all periods of active duty under this chapter, except active duty while undergoing training, and (b) all other service for which credit is given by law to members of the regular Coast Guard. When members of the Reserve perform active duty or active duty while undergoing training for a period of less than thirty days, such duty performed on the thirty-first day of any month shall be paid for at the same rate as for other days: *Provided*, That members of the Reserve while engaged on active duty which involves the actual flying in aircraft in accordance with regulations prescribed by the Commandant shall receive the same increase of pay of their ranks, grades, or ratings as may be received by members of the regular Coast Guard in similar ranks, grades, or ratings, for the performance of similar duty. (Feb. 19, 1941, ch. 8, title II,

§ 206, 55 Stat. 11, as amended July 11, 1941, ch. 290, § 10 (4), 55 Stat. 588.)

AMENDMENTS

1941—Act July 11, 1941, cited to text, amended first sentence by inserting "on training duty with pay" and substituting "Naval Reserve" for "regular Coast Guard."

§ 307. Same; temporary membership; eligibility; compensation.

The Commandant, with the approval of the Secretary of the Treasury, is hereby authorized to enroll for active duty, as temporary members of the Reserve, such owners, regular officers, and members of the crew of any motorboat or yacht placed at the disposal of the Coast Guard as are citizens of the United States or of its Territories or possessions, except the Philippine Islands, define their powers and duties, and confer upon them, appropriate to their qualifications and experience, the same ranks, grades, and ratings as are provided for the personnel of the regular Coast Guard Reserve. When on active duty with the Coast Guard, as herein authorized, temporary members of the Reserve shall be entitled to receive the pay of their respective ranks, grades, or ratings, and such allowances, not to exceed those prescribed for members of the regular Coast Guard, as the Commandant may deem appropriate: *Provided*, That temporary membership in the Reserve and the other benefits conferred by this section as a result thereof shall extend only for such period as the motorboat or yacht to which such members are attached is utilized in the service of the Coast Guard. (Feb. 19, 1941, ch. 8, title II, § 207, 55 Stat. 12.)

§ 308. Exemption of members from other military duty; membership in other organizations prohibited.

Members of the Reserve, other than temporary members as provided for in section 307 hereof, shall receive the same exemption from registration and liability for training and service as members of the Naval Reserve, and no member of the Reserve, other than temporary members thereof, shall be a member of any other naval or military organization except the Auxiliary or the Coast Guard as provided for in sections 314 and 315 of this subchapter: *Provided*, That temporary members of the Reserve who may be members of any other military reserve, if ordered to active duty therein, shall be forthwith released from all active duty with the Coast Guard, and their status as temporary members of the Reserve terminated. (Feb. 19, 1941, ch. 8, title II, § 208, 55 Stat. 12.)

§ 309. Members subject to Coast Guard laws, regulations, and orders.

All members of the Reserve when employed on active duty, or when employed in authorized travel to or from such duty, or while wearing a uniform prescribed for the Reserve, shall be subject to the laws, regulations, and orders for the government of the Coast Guard: *Provided*, That disciplinary action for an offense committed while subject to the laws, regulations, and orders for the government of the Coast Guard shall not be barred by reason of release from duty status of any person charged

with the commission thereof: *Provided further* That for the purpose of carrying the provisions of this section into effect, members of the Reserve may be retained on or returned to a duty status without their consent, but not for a longer period of time than may be required for disciplinary action. (Feb. 19, 1941, ch. 8, title II, § 209, 55 Stat. 12.)

§ 310. Allowance of uniform, bedding, and equipment.

Upon first reporting for active or training duty with pay at a location where uniforms are required to be worn, a commissioned or warrant officer of the Reserve shall be paid a sum not to exceed \$100 as reimbursement for the purchase of the required uniforms, and thereafter he shall be paid an additional sum of \$50 for the same purpose upon completion of each period of not less than four years in the Reserve: *Provided*, That this latter amount of \$50 shall not become due any officer until called to active or training duty after the expiration of the previous four-year period: *Provided further*, That in time of war or national emergency a further sum of \$150 for the purchase of required uniforms shall be paid to officers of the Reserve when they first report for active duty: *Provided further*, That the Secretary of the Treasury shall prescribe regulations governing the conditions and requirements under which this allowance shall be payable to temporary members of the Reserve. Enlisted men of the Reserve may be allowed the cost of, or issued such items of uniforms, bedding, and equipment as may be prescribed by the Commandant: *Provided further*, That the value of such allowances or of items so issued to any person during any three-year period shall not exceed \$100: *And provided further*, That notwithstanding the foregoing limitation upon first reporting for active duty, in time of war or national emergency, enlisted men of the Reserve may be issued such additional articles as are required to give them the same outfit as is authorized for enlisted personnel of the regular Coast Guard upon first enlistment. (Feb. 19, 1941, ch. 8, title II, § 210, 55 Stat. 12, as amended July 11, 1941, ch. 290, § 10 (5), 55 Stat. 583.)

AMENDMENTS

1941—Section as enacted by act Feb. 19, 1941, cited to text, was deleted and new provisions substituted by act July 11, 1941, cited to text.

§ 311. Sickness, disability, or death benefits; regular members.

Members of the Reserve, other than temporary members thereof, who suffer sickness, disease, disability, or death in line of duty shall be entitled to the same benefits as are or may hereafter be prescribed by law for members of the Naval Reserve who suffer sickness, disease, disability, or death under similar conditions. (Feb. 19, 1941, ch. 8, title II, § 211, 55 Stat. 12.)

§ 312. Same; temporary members.

When any temporary member of the Reserve is physically injured in line of duty while performing active Coast Guard service, or dies as a result of such physical injury, he or his beneficiary shall be entitled to all the benefits prescribed by law for

civil employees of the United States, and the United States Employees' Compensation Commission shall have jurisdiction in such cases and shall perform the same duties with reference thereto as in the case of civil employees of the United States. Temporary members of the Reserve who contract sickness or disease while performing active duty shall be entitled to the same hospital treatment as is afforded members of the regular Coast Guard. (Feb. 19, 1941, ch. 8, title II, § 212, 55 Stat. 12.)

§ 313. Membership of United States and District of Columbia employees; leave of absence for training; benefits.

Officers and employees of the United States or of the District of Columbia who may become members of the Reserve shall be entitled to the same leave of absence with pay while on training duty and, except as otherwise provided by this chapter, to all other benefits which are now or hereafter may be applicable by law to officers and employees of the United States or of the District of Columbia who are members of the Naval Reserve. (Feb. 19, 1941, ch. 8, title II, § 213, 55 Stat. 13.)

§ 314. Appointment of non-commissioned Coast Guardsmen as Reserve officers; active duty in the Reserve.

Chief warrant and warrant officers and enlisted men of the regular Coast Guard may, under regulations promulgated pursuant to section 304 of this chapter, be issued appointments as commissioned, chief warrant, or warrant officers in the Reserve, under which appointments they may be required to serve only in time of war or during any period of national emergency declared by the President to exist: *Provided*, That while serving on active duty under such appointments, the regular status of such appointees shall be considered as in abeyance, and upon termination of active duty thereunder they shall revert to the status held by them immediately preceding such active duty: *Provided further*, That active duty in the Reserve performed under the provisions of this chapter shall be counted for all purposes as though it had been rendered by the individuals concerned in the status held by them immediately preceding such active duty. (Feb. 19, 1941, ch. 8, title II, § 214, 55 Stat. 13.)

§ 315. Same; compensation; sickness, disability, and death benefits.

Members of the regular Coast Guard called to active duty in the Reserve, as provided by section 314 of this chapter, shall not thereby suffer any reduction in pay and allowances: *Provided*, That if while so serving on active duty such members contract sickness or disease or sustain injury, or die as a result of such sickness, disease, or injury, they or their beneficiaries shall be entitled to all the benefits provided for commissioned, chief warrant, or warrant officers of the Reserve of the same rank, or to the benefits to which they would have been entitled had such active service been performed in their prior status as chief warrant or warrant officers or enlisted men of the regular Coast Guard, whichever may be the greater. (Feb. 19, 1941, ch. 8, title II, § 215, 55 Stat. 13.)

SUBCHAPTER III—GENERAL PROVISIONS

§ 351. Term of service of members.

The term of enrollment in the Auxiliary and appointment and enlistment in the Reserve (except for temporary members of the Reserve) shall be three years. (Feb. 19, 1941, ch. 8, title III, § 301, 55 Stat. 13.)

§ 352. Flags, pennants, and insignia; penalties.

The Secretary of the Treasury is hereby authorized to prescribe one or more suitable distinguishing flags or pennants to be flown from the motorboats and yachts owned by members of the Auxiliary or the Reserve, and one or more suitable insignia which may be worn by such members. Such flags and insignia shall be furnished by the Coast Guard at actual cost, and the proceeds received therefor shall be credited to the appropriation from which paid: *Provided*, That any member of the Auxiliary who surrenders flags, pennants, or insignia which were furnished to him by the Coast Guard as a member of the former Coast Guard Reserve shall be entitled to a like number of the flags, pennants, and insignia prescribed for the Auxiliary without additional charge. Any person who shall, without proper authority fly from a motorboat, yacht, or other vessel, any flag or pennant or wear any insignia of the

Auxiliary or of the Reserve shall, upon conviction thereof, be punished by a fine not exceeding \$100. (Feb. 19, 1941, ch. 8, title III, § 302, 55 Stat. 13.)

§ 353. Correspondence courses for members.

Pursuant to such rules and regulations as the Commandant may prescribe, correspondence courses of the Coast Guard Institute may be made available to members of the Auxiliary and to members of the Reserve: *Provided*, That the actual cost of the study materials for each such course shall be paid by the member of the Auxiliary taking such course and the proper Coast Guard appropriation shall be credited accordingly: *Provided further*, That such courses shall be made available to members of the Reserve in accordance with Coast Guard regulations applicable to personnel of the regular Coast Guard. (Feb. 19, 1941, ch. 8, title III, § 303, 55 Stat. 14.)

§ 354. Employment of services and facilities of Coast Guard; availability of appropriations.

The services and facilities of the Coast Guard may be employed in the administration and operation of the Auxiliary and of the Reserve; and the appropriations for the Coast Guard shall be available to effectuate the purposes of this chapter. (Feb. 19, 1941, ch. 8, title III, § 304, 55 Stat. 14.)

TITLE 15.—COMMERCE AND TRADE

Chapter 9.—THE WEATHER BUREAU

§ 319. Printing.

REPEATED.—Act June 28, 1941, ch. 258, title II, 55 Stat. 289.

§ 322. Odd jobs for part-time employees.

Weather Bureau part-time employees, appointed by designation or otherwise, under regulations of the Civil Service Commission, for observational work, may perform odd jobs in the installation, repair, improvement, alteration, cleaning, or removal of Government property and receive compensation therefor at rates of pay to be fixed by the Secretary of Commerce. (As amended June 28, 1941, ch. 258, title II, 55 Stat. 289.)

Chapter 14.—RECONSTRUCTION FINANCE CORPORATION ACT AND EMERGENCY RELIEF AND CONSTRUCTION ACT OF 1932

Sec

609k Same; additional amount authorized for defense housing insurance (New).

609l-609p Same; additional amount authorized (New).

§ 605k-1. Disaster Loan Corporation; creation; loans; duration; powers.

There is hereby created a Disaster Loan Corporation with nonassessable capital stock in an amount not to exceed \$40,000,000. The Reconstruction Finance Corporation is authorized and directed to subscribe for such stock and to make payment therefor from time to time as called, out of the unexpended balance of the \$50,000,000 which the Reconstruction Finance Corporation was authorized to lend for catastrophe relief by section 605k of this title. Such Disaster Loan Corporation shall be managed by officers and agents to be appointed by the Reconstruction Finance Corporation under such rules and regulations as its board of directors may prescribe.

Such Disaster Loan Corporation shall be empowered to make, upon such terms and conditions and in such manner as it may prescribe, such loans as it may determine to be necessary or appropriate because of floods or other catastrophes occurring during the period between January 1, 1936, and January 22, 1947. Such Disaster Loan Corporation may use all its assets, including capital and net earnings therefrom, in the exercise of its functions.

The Disaster Loan Corporation shall have succession until dissolved by Act of Congress; shall have power to sue and be sued in any court, to adopt and use a corporate seal, to make contracts, and to acquire, hold, and dispose of real and personal property necessary and incident to the conduct of its business; and shall have such other powers as may be necessary and incident to carrying out its powers and duties under this section. (As amended June 10, 1941, ch. 190, § 1, 55 Stat. 248.)

AMENDMENTS

1941—Act June 10, 1941, cited to text, inserted words "occurring during the period between January 1, 1936, and January 22, 1947" in lieu of the words "in the years 1936, 1937, 1938, 1939, or 1940".

§ 606b. Loans to States, municipalities, etc., public agencies, and business enterprises; exception of railroads; loans to and creation of corporations producing necessities for national defense; expiration date.

* * * * *

In order to aid the Government of the United States in its national-defense program, the Corporation is authorized—

* * * * *

(3) When requested by the Federal Loan Administrator, with the approval of the President, to create or organize, at any time prior to July 1, 1943, a corporation or corporations, with power (a) to produce, acquire, carry, sell, or otherwise deal in strategic and critical materials as defined by the President; (b) to purchase and lease land, purchase, lease, build, and expand plants, and purchase and produce equipment, facilities, machinery, materials, and supplies for the manufacture of strategic and critical materials, arms, ammunition, and implements of war, any other articles, equipment, facilities, and supplies necessary to the national defense, and such other articles, equipment, supplies, and materials as may be required in the manufacture or use of any of the foregoing or otherwise necessary in connection therewith; (c) to lease, sell, or otherwise dispose of such land, plants, facilities, and machinery to others to engage in such manufacture; (d) to engage in such manufacture itself, if the President finds that it is necessary for a Government agency to engage in such manufacture; (e) to produce, lease, purchase, or otherwise acquire railroad equipment (including rolling stock), and commercial aircraft, and parts, equipment, facilities, and supplies necessary in connection with such railroad equipment and aircraft, and to lease, sell, or otherwise dispose of the same; (f) to purchase, lease, build, expand, or otherwise acquire facilities for the training of aviators and to operate or lease, sell, or otherwise dispose of such facilities to others to engage in such training; and (g) to take such other action as the President and the Federal Loan Administrator may deem necessary to expedite the national-defense program, but the aggregate amount of the funds of the Reconstruction Finance Corporation which may be outstanding at any one time for carrying out this clause (g) shall not exceed \$200,000,000: *Provided*, That nothing in this subsection shall be construed to authorize the Corporation to take any action, directly or indirectly, with respect to the proposals heretofore considered by

the Congress and known as the Great Lakes-St. Lawrence seaway, Passamaquoddy, Florida ship canal, and Tombigbee River projects, or to the project known as the Nicaragua Canal. The powers of every corporation hereafter created or organized under this subsection shall be set out in a charter which shall be valid only when certified copies thereof are filed with the Secretary of the Senate and the Clerk of the House of Representatives and published in the Federal Register, and all amendments to such charters shall be valid only when similarly filed and published. The charters of corporations heretofore so created or organized shall be so filed and published before July 1, 1941, and amendments thereto shall be valid only when certified copies thereof are hereafter so filed and published. No corporation heretofore or hereafter created or organized by the Corporation pursuant to this subsection shall have succession beyond January 22, 1947, except for purposes of liquidation, unless the life of such corporation is extended beyond such date pursuant to an Act of Congress. The Corporation may make loans to, or purchase the capital stock of, any such corporation for any purpose within the powers of the corporation as above set forth related to the national-defense program, on such terms and conditions as the Corporation may determine.

(4) When requested by the Federal Loan Administrator, with the approval of the President, and subject to such conditions and limitations as may be set forth in such request, to make loans, notwithstanding the provisions of any other law, to any foreign governments, to their central banks, or to any person, commission, association, corporation, or bank acting for or on behalf of such government, for the purpose of achieving the maximum dollar exchange value in the United States for the securities or property of any such government, central bank, person, commission, association, corporation, or bank. Such loans may be made only upon the security of bonds, debentures, stocks, or other such obligations of (a) the Government of the United States or any State, municipality, or political subdivision of any State, or (b) any private corporation organized under the laws of the United States or any State. (As amended June 10, 1941, ch. 190, § 4, 55 Stat. 249.)

* * * * *

AMENDMENTS

1941—Fourth par., subsec. (3) was amended and subsec. (4) was inserted by act June 10, 1941, cited to text.

§ 609k. Same; additional amount authorized for defense housing insurance.

The amount of notes, debentures, bonds, or other such obligations which the Corporation is authorized to issue and have outstanding at any one time under existing law is hereby increased by an amount sufficient to provide not to exceed \$10,000,000 for the Defense Housing Insurance Fund as provided in section 1737 of Title 12. (June 27, 1934, ch. 847, title VI, § 602, as added Mar. 28, 1941, ch. 31, § 1, 55 Stat. 55.)

CODIFICATION

Provisions similar to those of this section are set out as a portion of section 1737 of Title 12, Banks and Banking.

SAVING CLAUSE

Separability of act Mar. 28, 1941, cited to text, see note under section 1736 of Title 12, Banks and Banking.

§ 609l. Same; additional amount authorized.

The amount of notes, bonds, debentures, and other such obligations which the Reconstruction Finance Corporation is authorized and empowered to issue and to have outstanding at any one time under existing law is hereby increased by \$50,000,000. (July 1, 1941, ch. 267, § 1, 55 Stat. 439.)

§ 609m. Same; additional amount authorized.

The amount of notes, debentures, bonds, or other such obligations which the Corporation is authorized and empowered to issue and to have outstanding at any one time under the provisions of law in force on July 1, 1941, is hereby increased by \$120,000,000. (July 1, 1941, ch. 267, § 1, 55 Stat. 440.)

§ 609n. Same; additional amount authorized.

The amount of notes, bonds, debentures, and other such obligations which the Reconstruction Finance Corporation is authorized and empowered to issue and to have outstanding at any one time under existing law is hereby increased by \$100,000,000. (July 1, 1941, ch. 267, § 1, 55 Stat. 442.)

§ 609o. Same; additional amount authorized.

The amount of notes, bonds, debentures, and other such obligations which the Reconstruction Finance Corporation is authorized to issue and have outstanding at any one time under existing law is hereby increased by \$1,500,000,000. (June 10, 1941, ch. 190, § 5, 55 Stat. 250.)

§ 609p. Same; additional amount authorized.

The amount of notes, bonds, debentures, and other such obligations which the Reconstruction Finance Corporation is authorized to issue and have outstanding at any one time under existing law is hereby increased by \$1,500,000,000. (Oct. 23, 1941, ch. 454, 55 Stat. 744.)

§ 610. Obligations of corporation; exemption from taxation.

Any and all notes, debentures, bonds, or other such obligations issued by the corporation shall be exempt both as to principal and interest from all taxation (except surtaxes, estate, inheritance, and gift taxes) now or hereafter imposed by the United States, by any Territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority, except as provided in section 742a (a) of Title 31. The corporation, including its franchise, its capital, reserves, and surplus, and its income shall be exempt from all taxation now or hereafter imposed by the United States, by any Territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority; except that any real property of the corporation shall be subject to State, Territorial, county, municipal, or local taxation to the same extent according to its value as other real property is taxed.

The exemptions provided for in the preceding sentence with respect to taxation (which shall, for all purposes, be deemed to include sales, use, storage, and purchase taxes) shall be construed to be applicable not only with respect to the Reconstruction Finance Corporation but also with respect to (1) the Defense Plant Corporation, the Defense Supplies Corporation, the Metals Reserve Company, the Rubber Reserve Company, and any other corporation heretofore or hereafter organized or created by the Reconstruction Finance Corporation under section 600b of this title, as amended, to aid the Government of the United States in its national-defense program, (2) The RFC Mortgage Company, the Federal National Mortgage Association, and any other public corporation heretofore or hereafter organized by or at the instance of the Reconstruction Finance Corporation, and (3) the Disaster Loan Corporation, and any other public corporation which is now or which may be hereafter wholly financed and wholly managed by the Reconstruction Finance Corporation. Such exemptions shall also be construed to be applicable to the loans made, and personal property owned, by the Reconstruction Finance Corporation or by any corporation referred to in clause (1), (2) or (3) of the preceding sentence, but such exemptions shall not be construed to be applicable in any State to any buildings which are considered by the laws of such State to be personal property for taxation purposes. (As amended June 10, 1941, ch. 190, § 3, 55 Stat. 248.)

AMENDMENTS

1941—Act June 10, 1941, cited to text, inserted clause at end of first sentence and added last two sentences.

CROSS REFERENCES

United States obligations issued after Feb. 28, 1941, subject to Federal taxation, see section 742a of Title 31, Money and Finance.

Chapter 15.—ECONOMIC RECOVERY

Sec.

713a-8. Operations to encourage the expansion of production of non-basis agricultural commodities (New).

§§ 701-712. Unconstitutional.

ELECTRIC HOME AND FARM AUTHORITY

Electric Home and Farm Authority, Inc., Ex. Ord. No. 6514, Dec. 19, 1933. Existence continued to January 22, 1947, by act June 10, 1941, ch. 190, § 2, 55 Stat. 248.

§ 713. Commodity Credit Corporation; continuance of existence, functions, and ownership of stock by United States.

Notwithstanding any other provision of law, Commodity Credit Corporation, a corporation organized under the laws of the State of Delaware as an agency of the United States pursuant to the Executive order of the President of October 16, 1933, shall continue, until the close of business on June 30, 1943, or such earlier date as may be fixed by the President by Executive order, to be an agency of the United States. During the continuance of such agency, the Secretary of Agriculture and the Governor of the Farm Credit Administration are authorized and directed to continue, for the use and benefit of the United States, the present investment in the capital stock of Commodity Credit Corporation, and the corpora-

tion is hereby authorized to use all its assets, including capital and net earnings therefrom, and all moneys which have been or may hereafter be allocated to or borrowed by it, in the exercise of its functions as such agency, including the making of loans on agricultural commodities. (As amended July 1, 1941, ch. 270, § 1, 55 Stat. 493.)

AMENDMENTS

1941—Act July 1, 1941, cited to text, substituted "June 30, 1943" for "June 30, 1941" in first sentence.

§ 713a-1. Same; annual appraisal of assets; restoration of capital impairment.

As of the 31st of March in each year and as soon as possible thereafter, beginning with March 31, 1938, an appraisal of all the assets and liabilities of the Commodity Credit Corporation for the purpose of determining the net worth of the Commodity Credit Corporation shall be made by the Secretary of the Treasury. The value of assets shall, insofar as possible, be determined on the basis of the cost, including not more than one year of carrying charges, of such assets to the Corporation, or the average market prices of such assets for a period of twelve months ending with March 31 of each year, whichever is less; and a report of any such appraisal shall be submitted to the President as soon as possible after it has been made. In the event that any such appraisal shall establish that the net worth of the Commodity Credit Corporation is less than \$100,000,000, the Secretary of the Treasury, on behalf of the United States, shall restore the amount of such capital impairment by a contribution to the Commodity Credit Corporation in the amount of such impairment. To enable the Secretary of the Treasury to make such payment to the Commodity Credit Corporation, there is hereby authorized to be appropriated annually, commencing with the fiscal year 1938, out of any money in the Treasury not otherwise appropriated, an amount equal to any capital impairment found to exist by virtue of any appraisal as provided herein. (As amended July 1, 1941, ch. 270, § 2, 55 Stat. 498.)

AMENDMENTS

1941—Act July 1, 1941, cited to text, affected second sentence by substituting for "on the basis of market prices at the time of appraisal" the words "on the basis of the cost . . . whichever is less."

§ 713a-4. Same; obligations of corporation; issuance; sale; purchase; redemption; etc.

With the approval of the Secretary of the Treasury, the Commodity Credit Corporation is authorized to issue and have outstanding at any one time, bonds, notes, debentures, and other similar obligations in an aggregate amount not exceeding \$2,650,000,000. Such obligations shall be in such forms and denominations, shall have such maturities, shall bear such rates of interest, shall be subject to such terms and conditions, and shall be issued in such manner and sold at such prices as may be prescribed by the Commodity Credit Corporation, with the approval of the Secretary of the Treasury. Such obligations shall be fully and unconditionally guaranteed both as to interest and principal by the United States, and such guaranty shall be expressed on the face thereof, and such obligations shall be

lawful investments and may be accepted as security for all fiduciary, trust, and public funds the investment or deposit of which shall be under the authority or control of the United States or any officer or officers thereof. In the event that the Commodity Credit Corporation shall be unable to pay upon demand, when due, the principal of, or interest on, such obligations, the Secretary of the Treasury shall pay to the holder the amount thereof which is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, and thereupon to the extent of the amount so paid the Secretary of the Treasury shall succeed to all the rights of the holders of such obligations. The Secretary of the Treasury, in his discretion, is authorized to purchase any obligations of the Commodity Credit Corporation issued hereunder, and for such purpose the Secretary of the Treasury is authorized to use as a public-debt transaction the proceeds from the sale of any securities hereafter issued under sections 745, 747, 752, 752a, 753, 754, 754a, 754b, 757, 757b, 757c, 758, 760, 764-766, 769, 771, 773, 774 (2), and 801 of Title 31, and the purposes for which securities may be issued under such sections, are extended to include any purchases of the Commodity Credit Corporation's obligations hereunder. The Secretary of the Treasury may at any time sell any of the obligations of the Commodity Credit Corporation acquired by him under this section. All redemptions, purchases, and sales by the Secretary of the Treasury of the obligations of the Commodity Credit Corporation shall be treated as public-debt transactions of the United States. No such obligations shall be issued in excess of the assets of the Commodity Credit Corporation, including the assets to be obtained from the proceeds of such obligations, but a failure to comply with this provision shall not invalidate the obligations or the guaranty of the same. The Commodity Credit Corporation shall have power to purchase such obligations in the open market at any time and at any price. (As amended July 1, 1941, ch. 270, § 3, 55 Stat. 498.)

AMENDMENTS

1941—Act July 1, 1941, cited to text, substituted "\$2,650,000,000" for "\$1,400,000,000."

§ 713a-5. Same; exemption of corporation and its obligations from taxation.

CROSS REFERENCES

United States obligations issued after Feb. 28, 1941, subject to Federal taxation, see section 742a of Title 31, Money and Finance.

§ 713a-8. Operations to encourage the expansion of production of non-basic agricultural commodities.

(a) Whenever during the existing emergency the Secretary of Agriculture finds it necessary to encourage the expansion of production of any non-basic agricultural commodity, he shall make public announcement thereof and he shall so use the funds made available under section 713a-4 of this title or otherwise made available to him for the disposal of agricultural commodities, through a commodity loan, purchase, or other operation, taking into account the total funds available for such purpose for all commodities, so as to support a price for the producers of any such commodity with respect to

which such announcement was made of not less than 85 per centum of the parity or comparable price therefor. The comparable price for any such commodity shall be determined and used by the Secretary for the purposes of this section if the production or consumption of such commodity has so changed in extent or character since the base period as to result in a price out of line with parity prices for basic commodities. Any such commodity loan, purchase, or other operation which is undertaken shall be continued until the Secretary has given sufficient public announcement to permit the producers of such commodity to make a readjustment in the production of the commodity. For the purposes of this section, commodities other than cotton, corn, wheat, tobacco, and rice shall be deemed to be non-basic commodities.

(b) It is hereby declared to be the policy of the Congress that the lending and purchase operations of the Department of Agriculture (other than those referred to in subsection (a)) shall be carried out so as to bring the price and income of the producers of non-basic commodities not covered by any such public announcement to a fair parity relationship with other commodities, to the extent that funds for such operations are available after taking into account the operations with respect to the basic commodities and the commodities listed in any such public announcement and the ability of producers to bring supplies into line with demand. (July 1, 1941, ch. 270, § 4, 55 Stat. 498.)

Chapter 15A.—INTERSTATE TRANSPORTATION OF PETROLEUM PRODUCTS

CONSTRUCTION OF PETROLEUM PIPE LINES

Act July 30, 1941, ch. 333, 55 Stat. 610, provided.

"That as used in this Act—

"(1) The term 'interstate commerce' means commerce between any point in a State and any point outside thereof or between points within the same State but through any place outside thereof.

"(2) The term 'person' includes an individual, firm, copartnership, corporation, company, or association, and any trustee, receiver, assignee, or personal representative thereof.

"Sec. 2. Whenever the President finds that the construction of any pipe line for the transportation and/or distribution of petroleum or petroleum products moving in interstate commerce, or the extension or completion of any such pipe line already wholly or partly constructed, is or may be necessary for national-defense purposes, he shall by proclamation declare such finding.

"Sec. 3. In case the construction, extension, or completion of any such pipe line is undertaken otherwise than as provided in section 4, the person or persons undertaking such construction, extension, or completion may acquire such land or interests in land, including rights-of-way or easements, by the exercise of the right of eminent domain, as, in the opinion of the President, may be necessary for such purposes, and for purposes of operation and maintenance of such pipe line.

"Sec. 4. (a) In the event that it is impracticable for any private person promptly and satisfactorily to construct, extend, or complete any such pipe line, the President, if of the opinion that such action is desirable in the interests of national defense, may provide for the construction, extension, completion, or operation of such pipe line by such department or agency of the Government as he may designate.

"(b) The department or agency undertaking such construction, extension, or completion may acquire such land or interests in land, including rights-of-way or easements, by purchase or by the exercise of the right

of eminent domain, as may be necessary for such purposes, and for purposes of operation and maintenance of such pipe line.

"Sec. 5. (a) The exercise of the right of eminent domain under the authority of this Act shall be by a proceeding instituted in the district court of the United States for the district in which the land is located, under the provisions of the Act entitled 'An Act to expedite the construction of public buildings and works outside of the District of Columbia by enabling possession and title of sites to be taken in advance of final judgment in proceedings for the acquisition thereof under the power of eminent domain', approved February 26, 1931 (U.S.C., 1934 edition, title 40, secs. 258a to 258e, inclusive).

"(b) Where such proceeding is instituted by any person or persons under the authority granted by section 3, the provisions of such Act of February 26, 1931, shall apply with respect to the acquisition of the land or interest in land by such person or persons in the same manner, as nearly as may be, as in the case of the acquisition of land or an interest in land by the United States in a proceeding instituted thereunder by and in the name of the United States, except that in addition to the deposit in the court of the amount estimated by such person or persons to be just compensation for the land or interest in land being taken, such person or persons shall give such bond as the court may deem proper to secure the payment to the persons entitled thereto of the amount of compensation finally awarded in the proceeding, with such interest as may be payable under the provisions of such Act of February 26, 1931.

"Sec. 6. In case the construction, extension, or completion of any such pipe line is undertaken otherwise than as provided in section 4, the President, for the purpose of facilitating such construction, extension, or completion, may provide for the making of such advances as he deems advisable, through such department or agency of the Government as he may designate, to the person or persons undertaking the proposed construction, extension, or completion. Any such advance shall be made upon such security and at such rate of interest, shall be amortized by means of such periodical payments of principal and interest over such period of time, and shall be made subject to such other terms and conditions, as the President shall prescribe.

"Sec. 7. In any case where a pipe line is constructed, extended, or completed as provided in section 4, the President may direct that any department or agency of the Government designated by him may operate and maintain such pipe line and exercise such powers and functions with respect thereto as he may deem necessary, and he may, upon such terms and conditions as he may prescribe, dispose of or lease to any person or persons such right, title, and interest as the United States may have acquired under this Act in such pipe line, or in any land or interest in land, including easements or rights-of-way.

"Sec. 8 (a) Any pipe line with respect to which an advance is made or the right of eminent domain is exercised, under authority of this Act, shall be constructed, extended, or completed, and operated and maintained, subject to such terms and conditions as the President may prescribe as necessary for national-defense purposes.

"(b) Nothing in this Act shall operate to relieve any person, operating any pipe line, from any duty or liability to which such person may be subject under the provisions of the Interstate Commerce Act, including all Acts amendatory thereof or supplemental thereto (section 1 et seq. of Title 49), or the Natural Gas Act (chapter 15B of Title 15), except that the President is authorized to relieve any person, operating any pipe line with respect to which an advance is made or the right of eminent domain is exercised, under authority of this Act, from any duty or liability under either of such Acts to such extent as he may deem advisable for national-defense purposes.

"Sec. 9. After June 30, 1943, neither the President, any department or agency of the Government, nor any person shall exercise any of the powers conferred by section 2, 3, 4, or 6 of this Act; and in no case shall any pipe line constructed, extended, or completed under

authority of section 4 be operated or maintained by or under the direction or control of the President or any department or agency of the Government after the expiration of one year after the termination of the unlimited national emergency proclaimed in the proclamation issued by the President of the United States on May 27, 1941."

NATIONAL DEFENSE PIPE LINES

Construction of a national defense pipe line from Baton Rouge, Louisiana to Greensboro, North Carolina, by the Plantation Pipe Line Company was authorized by Proc. No. 2505, Aug. 23, 1941, 6 Fed. Reg. 4429.

Construction of a national defense pipe line from South Portland, Maine, through North Troy, Vermont, to Montreal, Canada, by the Portland Pipe Line Company was authorized by Proc. No. 2517, Oct. 1, 1941, 6 Fed. Reg. 5081.

Construction of a national defense pipe line from St. Joe, Florida to Chattanooga, Tennessee by the Southeastern Pipe Line Company was authorized by Proc. No. 2508, Sept. 3, 1941, 6 Fed. Reg. 4583.

Chapter 16.—EMERGENCY RELIEF

§§ 721-723. Emergency Relief Act of 1933.

SUPPLEMENTARY LEGISLATION

Further legislation supplementary to the Federal Emergency Relief Act of 1933 was contained in the following acts: Mar. 1, 1941, ch. 9, § 1, 55 Stat. 15; Apr. 5, 1941, ch. 40, § 1, 55 Stat. 110.

EMERGENCY RELIEF APPROPRIATION ACT OF 1942

The Emergency Relief Appropriation Act of 1942, Res. July 1, 1941, ch. 266, 55 Stat. 396, provided as follows:

"WORK PROJECTS ADMINISTRATION

"SECTION 1. (a) In order to continue to provide work for employable needy persons on useful public projects in the United States and its Territories and possessions, there is hereby appropriated to the Work Projects Administration, of the Federal Works Agency, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1942, \$875,000,000, together with all balances of appropriations under section 1 (a) of the Emergency Relief Appropriation Act, fiscal year 1941, and under Public Law 9, Seventy-seventh Congress, which remain unobligated on June 30, 1941, including such unobligated balances of funds transferred to other Federal agencies for nonconstruction projects under the provisions of section 10 (a) of such Act for the fiscal year 1941, as supplemented by such Public Law 9, or set aside for specific purposes in accordance with other law: *Provided*, That notwithstanding any other provision of law, funds heretofore irrevocably set aside for the completion of Federal construction projects under authority of the Emergency Relief Appropriation Acts of 1933 and 1939 and the Emergency Relief Appropriation Act, fiscal year 1941, as amended, and supplemented, shall remain available until June 30, 1942, for such completion, and any such funds which remain unobligated by reason of the completion or abandonment of any such Federal construction project shall be returned to this appropriation: *Provided further*, That no part of any appropriation contained in this Act shall be used to pay the compensation of David Lasser.

"(b) The funds provided in this section shall be available for (1) administration; (2) the prosecution of projects approved by the President under the provisions of the Emergency Relief Appropriation Acts of 1933, and 1939, and the Emergency Relief Appropriation Act, fiscal year 1941, as amended, and supplemented by Public Law 9, Seventy-seventh Congress; and (3) the prosecution of the following types of public projects, Federal and non-Federal, subject to the approval of the President, namely: Highways, roads, and streets; public buildings; parks, and other recreational facilities, including buildings therein; public utilities; electric transmission and distribution lines or systems to serve persons in rural areas, including projects sponsored by and for the benefit of nonprofit and cooperative associations; sewer systems, water supply, and purification systems; airports and other

transportation facilities; facilities for the training of personnel in the operations and maintenance of air navigation and landing area facilities; flood control; drainage; irrigation, including projects sponsored by nonprofit irrigation companies or nonprofit irrigation associations organized and operating for community benefit; water conservation, soil conservation, including projects sponsored by soil conservation districts and other bodies duly organized under State law for soil erosion control and soil conservation, preference being given to projects which will contribute to the rehabilitation of individuals and an increase in the national income, forestation, reforestation, and other improvements of forest areas, including the establishment of fire lanes; fish, game, and other wildlife conservation; eradication of insect, plant, and fungus pests; the production of lime and marl for fertilizing soil for distribution to farmers under such conditions as may be determined by the sponsors of such projects under the provisions of State law; educational, professional, clerical, cultural, recreational, production, and service projects, including training for manual occupations in industries engaged in production for national-defense purposes, for nursing and for domestic service; aid to self-help and cooperative associations for the benefit of needy persons; and miscellaneous projects: *Provided*, That all persons employed on work projects shall, so far as practicable, be employed on projects nearest their respective homes.

"(c) The funds appropriated in this section, exclusive of those used for administrative expenses, shall be so administered that expenditure authorizations for other than labor costs for all the work projects financed from such funds in any State, Territory, possession, or the District of Columbia shall not exceed an average for the fiscal year ending June 30, 1942, of \$6 per month per worker, except that the Commissioner of Work Projects (hereinafter referred to as the 'Commissioner') may authorize an increase in the average in cases where the increased cost of materials would have the effect of raising such average above \$6 but in no event shall the increase in such average exceed the amount necessary to meet such increase in material costs and in no event shall such average exceed \$7: *Provided*, That the funds appropriated in this section shall not be used for the purchase of any construction equipment or machinery in any case in which such equipment or machinery can be rented at prices determined by the Commissioner to be reasonable, and his determinations, made in conformity with rules and regulations prescribed by him, shall be final and conclusive: *Provided further*, That not to exceed \$45,000,000 of funds herein appropriated to the Work Projects Administration may be used by the Commissioner to supplement the amounts so authorized for other than labor costs in any State, Territory, possession, or the District of Columbia in connection with the prosecution of projects which have been certified by the Secretary of War, and the Secretary of the Navy, respectively, as being important for military or naval purposes.

"(d) In administering the funds appropriated in this section, not to exceed three-fourths of the total cost of all non-Federal projects approved after January 1, 1940, to be undertaken within any State, Territory, possession, or the District of Columbia, with respect to which any such funds are used, shall be borne by the United States, and not less than one-fourth of such total cost shall be borne by the State and its political subdivisions, or by the Territory, possession, or the District of Columbia, as the case may be: *Provided*, That the provisions of this subsection shall not apply to projects (1) which have been certified by the Secretary of War and the Secretary of the Navy, respectively, as being important for military or naval purposes, or (2) which authorize necessary temporary measures to avert danger to life, property, or health in the event of disaster or grave emergency caused by flood, storm, fire, earthquake, drought, or similar cause. The facts constituting compliance with the requirements of this subsection shall be determined by the Commissioner, and his determinations, made in conformity with rules and regulations prescribed by him, shall be final and conclusive.

"(e) The funds appropriated in section 1 (a) hereof shall be available to provide, under regulations to be pre-

scribed by the Commissioner, for medical and hospital facilities for work camp project employees and burial expenses of deceased work camp project employees, including the transportation of remains to place of burial: *Provided*, That deductions shall be made from the earnings of all project employees quartered in such camps in an amount sufficient to offset the estimated cost to the United States for furnishing the foregoing.

"(f) When it is found that as a result of bad faith, fraud, or misrepresentation on the part of the sponsor, any land, building, structure, facility, or other project, or any part thereof, upon which funds appropriated in this joint resolution have been expended, is used, transferred, or disposed of without retention and control for public use, the sponsor of the project and the person or organization to which the land, building, structure, facility, or project has been sold, leased, or given, shall be liable, jointly and severally, upon demand of the Commissioner or his duly authorized representative, to pay over to the United States an amount equal to the amount of Federal funds expended on such land, building, structure, facility, or project.

"(g) The amount which may be obligated for administrative expenses of the Work Projects Administration in the District of Columbia and in the field shall not exceed in the aggregate the sum of \$35,468,000 during the fiscal year 1942, of which sum the amounts so to be obligated for the following respective purposes shall not exceed these sums: Salaries, \$29,016,000; communication service, \$500,000; travel, \$2,800,000; and printing and binding, \$300,000.

"(h) The Federal Works Administrator shall transmit to Congress, on the first day of each regular session thereof, a statement showing for each State the names, addresses, positions, and compensation of all employees of the Work Projects Administration whose compensation is at the rate of \$1,200 per annum or more. For the purposes of this subsection, the term 'State' shall include the Territories, possessions, and the District of Columbia.

"(i) The Work Projects Administration is hereby extended to June 30, 1942, to carry out the purposes of this joint resolution and the Commissioner, with the approval of the Federal Works Administrator, is authorized to prescribe such rules and regulations as may be necessary to carry out its functions in connection therewith.

"ADMINISTRATIVE AGENCIES

"Sec. 2. (a) In order to provide for administrative expenses incidental to carrying out the purposes of this joint resolution, there is hereby appropriated to the following agencies, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1942: (1) General Accounting Office, \$1,400,000; and (2) Treasury Department: (a) Procurement Division, \$2,400,000; (b) Division of Disbursement, \$1,100,000; (c) Office of the Treasurer, \$350,000; (d) Secret Service Division, \$130,000; (e) Bureau of Accounts, \$2,025,000; for administrative accounting; total, Treasury Department, \$6,005,000.

"(b) The appropriations in this section shall not be used to pay the compensation of persons employed entirely upon the regular work (as distinguished from emergency work under appropriations in this section) of any department or agency, nor to pay the compensation of employees engaged partially upon such regular work unless, in the determination of the head of such department or agency (which determination shall be conclusive), offsetting employment upon such emergency work of such department or agency is performed by employees paid from the regular funds thereof.

"UNITED STATES EMPLOYEES' COMPENSATION COMMISSION

"Sec. 3. (a) In order to carry out the provisions of section 18 of this Act, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1942, \$3,500,000, which sum shall be added to the appropriation 'Employees' Compensation Fund, Emergency Relief' contained in subsection (b) of this section.

"(b) Employees' compensation fund, emergency relief: The unexpended balance of the special funds set up on the books of the Treasury pursuant to the provisions of the Emergency Relief Appropriation Acts of 1935, 1936,

1937, 1938, 1939, and fiscal year 1941, and paragraph 18 of the 'National Youth Administration Appropriation Act, 1941', shall be available for expenditure during the fiscal year ending June 30, 1942, and such balance combined with the appropriation in subsection (a) of this section shall be one fund available for the payment of compensation accruing under section 18 of this Act and under the other Acts enumerated in this subsection, including payments to Federal agencies for medical and hospital services and including advancement of costs for the enforcement of recoveries as provided in sections 26 and 27 of the Act of September 7, 1916, as made applicable to relief employments: *Provided*, That \$700,000 of such combined appropriation shall be available during the fiscal year 1942 for administrative expenses and not to exceed \$75,000 thereof may be added to the appropriation in the 'Employees' Compensation Commission Appropriation Act, 1942' for salaries and expenses of such Commission and be available for the purposes thereof: *Provided further*, That this appropriation shall not be limited in its use to the United States, its Territories and possessions, for payment of compensation benefits.

"GENERAL AND SPECIAL PROVISIONS"

"Sec. 4. Funds appropriated in this joint resolution to the various Federal agencies shall be so apportioned and distributed over the period ending June 30, 1942, and shall be so administered during such period as to constitute the total amount that will be furnished to such agencies during such period for the purposes herein set forth.

"Sec. 5. The funds made available by this joint resolution shall be used only for work relief for employable persons in need except as otherwise specifically provided herein.

"Sec. 6. (a) The Commissioner, with the approval of the Federal Works Administrator, is authorized to allocate not to exceed \$8,500,000 of the appropriation contained in section 1 (a) to other Federal agencies for the operation, under such rules and regulations as the Commissioner may prescribe, of projects of the type specified in subsection (b) of section 1 which are within the scope of the functions usually carried out by such agencies, including administrative expenses of such agencies incident to such operation: *Provided*, That \$3,500,000 of such amount shall be allocated to the Department of Agriculture for the continuation during the calendar year 1941 of existing projects now under the jurisdiction of such Department: *Provided further*, That not to exceed 4 per centum of the total amount so allocated to any such agency shall be used for such administrative expenses: *Provided further*, That no project shall be prosecuted under any allocation under this subsection upon which the percentage of nonrelief persons employed exceeds 10 per centum of the total number of persons employed: *Provided further*, That not to exceed \$576,000 of the appropriation contained in section 1 (a) hereof may be allocated, with the approval of the Director of the Bureau of the Budget, for administrative expenses of Federal agencies incident to the planning and review of Work Projects Administration projects.

"(b) No Federal construction project, except flood control and water conservation projects authorized under other law, shall be undertaken or prosecuted under the appropriations in this joint resolution unless and until there shall have been allocated and irrevocably set aside Federal funds sufficient for its completion.

"(c) No non-Federal project shall be undertaken or prosecuted under appropriations under this joint resolution unless and until the sponsor has made a written agreement to finance such part of the entire cost thereof as the Work Projects Administration determines under the circumstances is an adequate contribution taking into consideration the financial ability of the sponsor. The Commissioner shall prescribe rules and regulations relating to the valuation of contributions in kind by sponsors of projects through furnishing the use of their own facilities and equipment and the services of their own employees, which shall represent an actual cash value, and such rules and regulations shall also allow credit only to the extent that the furnishing of such contributions represents a financial burden which is undertaken by the

sponsors on account of Work Projects Administration projects, or other sponsored projects

"Sec. 7. None of the funds made available by this joint resolution shall be expended on the construction of any building (1) the total estimated cost of which, in the case of a Federal building, exceeds \$100,000 from Federal funds, or (2) the portion of the total estimated cost of which payable from Federal funds, in the case of a non-Federal building, exceeds \$100,000, unless the building is one (a) for which the project has been approved by the President on or prior to May 15, 1940, or for which an issue of bonds has been approved at an election held on or prior to such date, or for which a State legislature has made an appropriation on or prior to such date, or (b) for the completion of which funds have been allocated and irrevocably set aside under prior relief appropriation Acts: *Provided*, That the provisions of this section shall not apply to any projects which have been certified by the Secretary of War and the Secretary of the Navy, respectively, as being important for military or naval purposes.

"Sec. 8 (a) The Work Projects Administration is authorized to receive from sponsors of non-Federal projects contributions in services, materials, or money, such money to be deposited with the Treasurer of the United States. Such contributions shall be expended or utilized as agreed upon between the sponsor and the Work Projects Administration.

"(b) All receipts and collections by reason of operations in consequence of appropriations made in this joint resolution, except cash contributions of sponsors of projects and amounts credited to revolving funds authorized by this joint resolution, shall be covered into the Treasury as miscellaneous receipts.

"(c) Except as authorized in this joint resolution, no allocation of funds shall be made to any other Federal agency from the appropriation in this joint resolution for any Federal agency. No such allocation shall be made for the exercise of the functions of the Radio Division or the United States Film Service transferred to the Office of Education of the Federal Security Agency.

"Sec. 9. (a) The Commissioner, subject to the approval of the Federal Works Administrator, shall fix a monthly earning schedule for persons engaged upon work projects financed in whole or in part from funds appropriated by section 1 which shall not substantially affect the current national average labor cost per person of the Work Projects Administration. Such monthly earning schedule shall not be varied for workers of the same type in different geographical areas to any greater extent than may be justified by differences in the cost of living. The Commissioner shall require that the hours of work for all persons engaged upon work projects financed in whole or in part by funds appropriated by section 1 shall (1) be one hundred and thirty hours per month except that the Commissioner, in his discretion, may require a lesser number of hours of work per month in the case of relief workers with no dependents and the earnings of such workers shall be correspondingly reduced, and, (2) not exceed eight hours in any day, and (3) not exceed forty hours in any week.

"(b) The Commissioner may authorize exemptions from the above limitations of monthly earnings and hours of work on projects certified as hereinbefore provided as being important for military or naval purposes; to protect work already done on a project; to permit making up lost time; in the case of an emergency involving the public welfare; and in the case of supervisory personnel employed on work projects.

"Sec. 10. (a) Section 15 (a) of the Emergency Relief Appropriation Act, fiscal year 1941, is hereby continued in effect for the month of July 1941. Effective on August 1, 1941, in employing or retaining in employment on Work Projects Administration work projects, preference shall be given to veterans of the World War and the Spanish-American War and veterans of any campaign or expedition in which the United States has been engaged (as determined on the basis of the laws administered by the Veterans' Administration, except that discharged draft enrollees other than those with service-connected disability shall not be considered as veterans for the purposes of this subsection), and unmarried widows of any such veterans,

and the wives of any such veterans who are unemployable, who have been certified as in need of employment by the Work Projects Administration or by any agency designated by it to so certify: *Provided*, That if the total monthly income from all sources of any such veteran or of the unmarried widow of any such veteran, or if the total combined monthly income from all sources of any such unemployable veteran and his wife, as determined by the Commissioner (whose determination shall be final and conclusive), is less than the monthly earnings the veteran, unmarried widow, or wife would receive if employed as a project worker of the Work Projects Administration, then such veteran, unmarried widow, or wife, as the case may be, shall be certified as in need of such employment, and when assigned to such employment he or she shall be employed for such period as will permit the total monthly income of such veteran or unmarried widow, or the total combined monthly income of such unemployable veteran and his wife, to be approximately equal to the amount which would be obtainable by full-time employment on any such project. Thereafter preference in such employment shall be given on the basis of relative needs, as far as practicable, to other American citizens, Indians, and other persons owing allegiance to the United States who are in need.

"(b) There shall be removed from employment on Work Projects Administration projects all relief workers, excepting blind persons, veterans, unmarried widows of such veterans and wives of such veterans as are unemployable, who have been continuously employed on such projects for more than eighteen months, and any relief worker so removed shall be ineligible to be restored to employment on such projects until after (1) the expiration of twenty days after the date of his removal, and (2) recertification of his eligibility for restoration to employment on such projects: *Provided*, That such workers shall be removed only in the numbers necessary to provide employment for employable persons with the same or similar job qualifications who have been certified for a period of three months or more as in need of Work Projects Administration project employment and who have not in such period been given employment on work projects.

"(c) In considering employment of persons upon work projects prosecuted under the appropriations contained in this joint resolution, the Work Projects Administration shall determine whether such persons are able to perform the work on work projects to which they can be assigned and no person shall be employed or retained for employment on any such project whose work habits are such or work record shows that he is incapable of performing satisfactorily the work to which he may be assigned on the project.

"(d) There shall be removed from employment on Work Projects Administration projects all relief workers whose needs for employment have not been certified by, and except as provided in section 10 (a) or in section 11 (b), no relief worker shall be employed on such projects until after his need for employment has been certified by (a) a local public certifying agency or (b) the Work Projects Administration where no such agency exists or where the Work Projects Administration certifies by reason of its refusal to accept certification by local public agencies.

"(e) No blind person receiving aid under the Social Security Act, as amended, shall be prohibited from temporarily relinquishing such aid to accept employment on a Work Projects Administration project.

"(f) No alien, no Communist, and no member of any Nazi Bund Organization shall be given employment or continued in employment on any work project prosecuted under the appropriations contained in this joint resolution and no part of the money appropriated in this joint resolution shall be available to pay any person who has not made or who does not make affidavit as to United States citizenship and to the effect that he is not a Communist and not a member of any Nazi Bund Organization, such affidavit to be considered prima facie evidence of such citizenship, and that he is not a Communist, and not a member of any Nazi Bund Organization.

"(g) The Commissioner shall cause a periodic investigation to be made of the rolls of certified employees on work projects, and shall eliminate from the rolls those not in actual need, such investigation to be made so

that each case is investigated at least once in every twelve months.

"Sec. 11. (a) No person in need who refuses a bona fide offer of private or other public employment under reasonable working conditions which pays the prevailing wage for such work in the community where he resides and who is capable of performing such work shall be employed or retained in employment on work projects under the funds appropriated in this joint resolution for the period such private or other public employment would be available.

"(b) Any person who takes such employment shall at the expiration thereof be entitled to immediate reemployment with the Work Projects Administration if he is still in need and if he has lost such employment through no fault of his own, and if he has first drawn all the benefits of unemployment compensation that shall have accrued to him during his term in private employment and which are available to him.

"Sec. 12 (a) No person shall be employed or retained in employment in any administrative position, or in any supervisory position on any project, under the appropriations in this joint resolution unless such person has previously subscribed or before engaging in such employment subscribes to the following oath:

"I, A. B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office (or employment) on which I am about to enter (or which I now occupy). So help me God."

"(b) No part of any appropriation contained in this Act shall be used to pay the salary or wages of any person who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided*, That for the purposes hereof an affidavit shall be considered prima facie evidence that the person making the affidavit does not advocate, and is not a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided further*, That any person who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence and accepts employment the salary or wages for which are paid from any appropriation contained in this Act shall be guilty of a felony and, upon conviction, shall be fined not more than \$1,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law.

"(c) The Commissioner and the head of any other agency receiving an appropriation hereunder is authorized to designate employees, administrative and supervisory, as he may deem necessary to administer such oaths as are required by this joint resolution and such other oaths as may be required or necessary in the operation of the Work Projects Administration or other agency, which oaths shall be administered without charge or fee; such oaths shall have the same force and effect as oaths administered by notaries, justices of the peace, and other Federal and non-Federal officers qualified to administer oaths.

"Sec. 13. In carrying out the purpose of the appropriations in this joint resolution, the Secretary of the Treasury with the approval of the Director of the Bureau of the Budget, is authorized to prescribe rules and regulations for the establishment of special funds in the nature of revolving funds for use, until June 30, 1942, in the purchase, repair, distribution, or rental of materials, supplies, equipment, and tools.

"Sec. 14. The provision of section 3709 of the Revised Statutes (41 U. S. C. 5) shall not apply to any purchase made or service procured in connection with the appropriations in this joint resolution when the aggregate amount involved is less than \$300.

"Sec. 15. The appropriations in this joint resolution for administrative expenses and such portions of other appropriations in this joint resolution as are available for administrative expenses may be obligated in the amounts

which the agency, with the approval of the Director of the Bureau of the Budget, shall have certified to the Secretary of the Treasury as necessary for personal services, in the District of Columbia and elsewhere, and for contract stenographic reporting services, supplies, and equipment; purchase and exchange of lawbooks, books of reference, directories, and periodicals, and newspapers; travel expenses, including expenses of attendance at meetings of officials and employees of the agency on official business and including transfer of household goods and effects as provided by the Act of October 10, 1940 (Public, Numbered 839, Seventy-sixth Congress), and regulations promulgated thereunder; rental at the seat of government and elsewhere; purchase, operation, and maintenance of motor-propelled passenger-carrying vehicles; printing and binding and such other expenses as may be necessary for the accomplishment of the objectives of this joint resolution.

"Sec. 16. (a) The appropriations contained in section 1 of this joint resolution and any administrative allocations thereof shall not be available to pay the compensation of any person appointed in accordance with the civil-service laws; except that this limitation shall not apply in the case of any person who is employed by any agency of the Government (other than the Work Projects Administration) on the date of enactment of this joint resolution.

"(b) In carrying out the purposes of this joint resolution the agencies receiving appropriations under section 1 hereof or allocations under such appropriations are authorized to accept and utilize such voluntary and uncompensated services, appoint, without regard to civil-service laws, such officers and employees, and utilize, with the consent of the head of the Federal agency by which they are employed, such Federal officers and employees, and with the consent of the State such State and local officers and employees at such compensation as shall be determined by the head of the agency involved, as may be necessary, and prescribe their authorities, duties, responsibilities, and tenure, and, without regard to the Classification Act of 1923, as amended, to fix the compensation of any officers and employees so appointed.

"(c) Appointments to Federal positions of an administrative or advisory capacity under the appropriations in this joint resolution in any State shall be made from among the bona fide citizens of that State so far as not inconsistent with efficient administration.

"Sec. 17. In making separations from the Federal service, or furloughs without pay to last as long as three months, of persons employed within the District of Columbia, under the provisions of this joint resolution, the appointing power shall give preference, as nearly as good administration will warrant, in retention to appointees from States that have not received their share of appointments according to population: *Provided, however*, That soldiers, sailors, and marines, the widows of such, or the wives of injured soldiers, sailors, and marines, who themselves are not qualified, but whose wives are qualified to hold a position in the Government service, shall be given preference in retention, in their several grades and classes, where their ratings are good or better.

"Sec. 18. The provisions of the Act of February 15, 1934 (48 Stat. 351), as amended, relating to disability or death compensation and benefits shall apply to persons (except administrative employees qualifying as civil employees of the United States) receiving compensation from the appropriations in this joint resolution for services rendered as employees of the United States: *Provided*, That this section shall not apply in any case coming within the purview of the workmen's compensation law of any State, Territory, or possession, or in which the claimant has received or is entitled to receive similar benefits for injury or death.

"Sec. 19. None of the funds made available by this joint resolution shall be used (a) for the operation of any theater project, (b) for the operation of any project sponsored solely by the Work Projects Administration, or (c) for radio broadcasting in an amount exceeding \$50,000 or for the acquisition, rental, or distribution of motion-picture films.

"Sec. 20. The Commissioner is authorized to consider, ascertain, adjust, determine, and pay from the appropria-

tion in section 1 hereof any claim on account of damage to or loss of privately owned property caused by the negligence of any employee of the Works Progress Administration or the Work Projects Administration while acting within the scope of his employment. No claim shall be considered hereunder which is in excess of \$500, or which is not presented in writing within one year from the date of accrual thereof. Acceptance by a claimant of the amount allowed on account of his claim shall be deemed to be in full settlement thereof, and the action upon such claim so accepted by the claimant shall be conclusive.

"Sec. 21. The Commissioner is authorized to call to the attention of the city, county, and State governments the unemployment situation of that city, county, or State, and to seek the cooperation of the State or any subdivision thereof in meeting the unemployment problem.

"Sec. 22. Any person who knowingly and with intent to defraud the United States makes any false statement in connection with any application for any work project, employment, or relief aid under the appropriations in this joint resolution, or diverts, or attempts to divert or assists in diverting, for the benefit of any person or persons not entitled thereto, any portion of such appropriations, or any services or real or personal property acquired thereunder, or who knowingly, by means of any fraud, force, threat, intimidation, or boycott, or discrimination on account of race, religion, political affiliations (except as may be authorized or required by law), or membership or non-membership in a labor organization, deprives any person of any of the benefits to which he may be entitled under any such appropriations, or attempts so to do, or assists in so doing, or who disposes of, or assists in disposing of, except for the account of the United States, any property upon which there exists a lien securing a loan made under the provisions of this joint resolution or the Emergency Relief Appropriation Acts of 1935, 1936, 1937, 1938, and 1939, and the Emergency Relief Appropriation Act, fiscal year 1941, as amended, and supplemented, shall be deemed guilty of a felony and fined not more than \$2,000 or imprisoned not more than two years, or both. The provisions of this section shall be in addition to, and not in substitution for, any other provisions of existing law, or of this joint resolution.

"Sec. 23. (a) It shall be unlawful for any person knowingly to solicit, or knowingly be in any manner concerned in soliciting, any assessment, subscription, or contribution for the campaign expenses of any individual or political party from any person receiving compensation or employment provided for by this joint resolution.

"(b) Any person who knowingly violates any provision of this section shall be guilty of a felony and, upon conviction, shall be fined not more than \$1,000 or imprisoned for not more than one year, or both. The provisions of this section shall be in addition to, and not in substitution for, any other provisions of existing law, or of this joint resolution.

"Sec. 24. (a) It shall be unlawful for any person, directly or indirectly, to promise any employment, position, work, compensation, or other benefit, provided for or made possible by this joint resolution, or any other Act of the Congress, to any person as consideration, favor, or reward for any political activity or for the support of or opposition to any candidate in any election or any political party.

"(b) Except as may be authorized or required by law, it shall be unlawful for any person to deprive, attempt to deprive, or threaten to deprive, by any means, any person of any employment, position, work, compensation, or other benefit, provided for or made possible by this joint resolution, on account of race, creed, color, or any political activity, support of or opposition to any candidate or any political party in any election.

"(c) Any person who knowingly violates any provision of this section shall be guilty of a felony and, upon conviction, shall be fined not more than \$1,000 or imprisoned for not more than one year, or both. The provisions of this section shall be in addition to, and not in substitution for, any other provisions of law, or of this joint resolution.

"Sec. 25. (a) It shall be unlawful for any person employed in any administrative or supervisory capacity by any agency of the Federal Government, whose compensa-

tion or any part thereof is paid from funds authorized or appropriated by this joint resolution, to use his official authority or influence for the purpose of interfering with an election or affecting the results thereof. While such persons shall retain the right to vote as they please and to express privately their opinions on all political subjects, they shall take no active part, directly or indirectly, in political management or in political campaigns or in political conventions.

"(b) Any person violating the provisions of this section shall be immediately removed from the position or office held by him, and thereafter no part of the funds appropriated by this joint resolution shall be used to pay the compensation of such person. The provisions of this section shall be in addition to, and not in substitution for, any other provisions of existing law, or of this joint resolution.

"Sec. 26 No part of any appropriation in this joint resolution shall be used to pay the salary or expenses of any person in a supervisory or administrative position who is a candidate for any State, district, county, or municipal office (such office requiring full time of such person and to which office a salary or per diem attaches), in any primary, general, or special election, or who is serving as a campaign manager or assistant thereto for any such candidate.

"Sec. 27 Reports of the operations under the appropriations in this joint resolution and the appropriations in the Emergency Relief Appropriation Act, fiscal year 1941, as amended, and supplemented, including a statement of the expenditures made and obligations incurred by classes of projects and amounts, shall be submitted to Congress by the President on or before the 31st of January in each of the next two regular sessions of Congress.

"Sec. 28. No funds appropriated in this joint resolution, whether administered by the Federal Government or by the States or local governmental agencies from funds contributed in whole or in part by the Federal Government, shall be used by any Federal, State, or other agency to purchase, establish, relocate, or expand mills, factories, stores, or plants which would manufacture, handle, process, or produce for sale articles, commodities, or products (other than those derived from the first processing of sweetpotatoes and naval stores products) in competition with existing industries.

"Sec. 29. None of the funds appropriated by this joint resolution shall be used for the manufacture, purchase, or construction of any naval vessel, any armament, munitions, or implement of war, for military or naval forces, and no funds herein appropriated or authorized shall be diverted or allocated to any other department or bureau for such purpose.

"Sec. 30. No part of the funds made available in this joint resolution shall be loaned or granted, except pursuant to an obligation incurred prior to the date of the enactment of this joint resolution, to any State, or any of its political subdivisions or agencies, for the purpose of carrying out or assisting in carrying out any program or project of constructing, rebuilding, repairing, or replanning its penal or reformatory institutions, unless the President shall find that the projects to be financed with such loan or grant will not cause or promote competition of the products of convict labor with the products of free labor.

"Sec. 31. In expending appropriations or portions of appropriations, contained in this joint resolution, for the payment for personal services in the District of Columbia in accordance with the Classification Act of 1923, as amended, the average of the salaries of the total number of persons under any grade in any appropriation unit herein shall not at any time exceed the average of the compensation rates specified for the grade by such Act, as amended, and in grades in which only one position is allocated, the salary of such position shall not exceed the average of the compensation rates for the grade: *Provided*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed as of July 1, 1924, in accordance with the rules of section 6 of such Act, or (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or

different grade in the same or a different bureau, office, or other appropriation unit, or (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by the Classification Act of 1923, as amended, and is specifically authorized by other law, or (5) to reduce the compensation of any person in a grade in which only one position is allocated.

"Sec. 32 Any Administrator or other officer named to have general supervision at the seat of government over the program and work contemplated under the appropriations contained in this joint resolution and receiving a salary of \$5,000 or more per annum from such appropriations, and any State or regional administrator receiving a salary of \$5,000 or more per annum from such appropriations (except persons now serving as such under other law) shall be appointed by the President, by and with the advice and consent of the Senate: *Provided*, That the provisions of section 1761 of the Revised Statutes shall not apply to any such appointee and the salary of any person so appointed shall not be increased for a period of six months after confirmation.

"Sec. 33 The Work Projects Administration shall continue to maintain in each State an Office of State Administrator for such State.

"Sec. 34. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year 1942, the sum of \$25,000,000, to be used by the Secretary of Agriculture for the purpose of effectuating the provisions of section 32 of the Act entitled 'An Act to amend the Agricultural Adjustment Act, and for other purposes', approved August 24, 1935, as amended, such sum to be in addition to any funds appropriated by such section 32 and to be subject to all the provisions of law relating to the expenditure of such funds."

NATIONAL YOUTH ADMINISTRATION APPROPRIATION ACT OF 1942

The National Youth Administration Appropriation Act of 1942, act July 1, 1941, ch. 269, title II, 55 Stat. 487, provided:

"**PAR. 1.** Part-time youth work and student aid: To enable the National Youth Administration, which is hereby extended to and including June 30, 1942, under the supervision and direction of the Federal Security Agency, to engage in the following types of programs for assistance to needy young persons, \$35,984,000, namely:

"(a) To provide part-time employment for needy young persons in schools, colleges, and universities to enable such persons to continue their education.

"(b) To provide employment and training for unemployed young persons on public projects of the following types:

"(I) The construction, improvement, and repair of non-Federal public buildings and grounds, parks, and other recreational facilities; bridges, highways, roads, streets, and alleys; airports and airway facilities; water and sanitation facilities; facilities for conservation; irrigation and flood control; pest eradication; and work on all other non-Federal public facilities including cooperative associations receiving financial assistance from the Rural Electrification Administration or other public agencies;

"(II) The construction, improvement, and repair of buildings or other facilities of Federal agencies;

"(III) The production, repair, and renovation of goods, articles, and foodstuffs for needy individuals and for public institutions providing that products so produced do not replace normal purchases of such individuals or institutions;

"(IV) Professional, clerical, and other nonconstruction services in the fields of education, recreation, research, professional, cultural, and clerical activities for the benefit of public and nonprofit organizations;

"(V) The prosecution of work of the types enumerated above which involve the maintenance of young persons in camps, institutions, and other resident facilities.

"**PAR. 2.** Salaries and other administrative expenses: For personal services and necessary miscellaneous expenses in the District of Columbia and elsewhere for carrying out the administration of the programs set forth in paragraph 1, including supplies and equipment; purchase and exchange of books of reference, directories, and periodi-

cals; travel expenses, including expenses of attendance at meetings of officials and employees on official business; purchase, operation, and maintenance of motor-propelled passenger-carrying vehicles and such other expenses as may be necessary for the accomplishment of the objectives set forth in paragraph 1, \$5,700,000. *Provided, That* the National Youth Administration may transfer from the above sum to the appropriation in paragraph 1 such amounts as will not be required for the purposes of this paragraph: *Provided further, That* there may be transferred from the above sum of \$5,700,000 to appropriations of the Treasury Department such amounts, not to exceed in the aggregate the sum of \$765,000 as the Director of the Bureau of the Budget may determine to be proper, to reimburse such appropriations on account of expenditures therefrom in connection with the accomplishments of the purposes of the appropriations herein for the National Youth Administration.

"PAR. 3 Printing and binding: For printing and binding for the National Youth Administration \$83,000

"PAR. 4. The Administrator of the National Youth Administration shall, subject to the approval of the Federal Security Administrator, fix the monthly earnings and hours of work for youth workers engaged on work projects financed in whole or in part from the appropriation in paragraph 1, but such determination shall not have the effect of establishing a national average labor cost per youth worker on such projects during the fiscal year 1942 substantially different from the national average labor cost per such worker on such projects prevailing at the close of the fiscal year 1941.

"PAR. 5. Funds appropriated under paragraph 1 shall be so apportioned and distributed over the period ending June 30, 1942, and shall be so administered during such period as to constitute the total amount that will be furnished during such period for the purposes set forth in paragraph 1.

"PAR. 6 No non-Federal construction project costing in excess of \$5,000 shall be undertaken or prosecuted under paragraph 1 unless and until the cosponsor has made a written agreement to finance such part of the entire cost thereof as the Federal Security Administrator determines, under the circumstances, is an adequate contribution taking into consideration the financial ability of the cosponsor. The National Youth Administrator, subject to the approval of the Federal Security Administrator, shall prescribe rules and regulations relating to the valuation of contributions in kind by cosponsors of projects through furnishing the use of their own facilities and equipment and the services of their own employees, which shall also allow credit only to the extent that the furnishing of such contributions represents a financial burden which is undertaken by the cosponsors on account of National Youth Administration projects.

"PAR. 7. The National Youth Administration is authorized to receive reimbursements from other agencies and contributions for the operation of projects from Federal or non-Federal agencies in the form of services, materials, or money; any money so received to be deposited with the Treasurer of the United States. Such contributions shall be expended or utilized as agreed upon between the contributing agency and the National Youth Administration and such reimbursements shall be available for the purposes of this appropriation.

"PAR. 8 All receipts and collections by reason of operations authorized in paragraph 1, except cash contributions and reimbursement from other agencies, shall be covered into the Treasury as miscellaneous receipts.

"PAR. 9 In considering employment of persons upon work projects prosecuted under the appropriation in paragraph 1, the National Youth Administration shall determine whether such persons are able to perform the work on work projects to which they can be assigned and no person shall be employed or retained for employment on any such project whose work habits are such or work record shows that he is incapable of performing satisfactorily the work to which he may be assigned on the project.

"PAR. 10. No alien shall be given employment or continued in employment on any work project prosecuted under the appropriation in paragraph 1 and no part of the money appropriated in paragraph 1 or paragraph 2

shall be available to pay any person who has not made or who does not make affidavit as to United States citizenship, such affidavit to be considered prima facie evidence of such citizenship.

"PAR. 11. No person shall be employed or retained in employment in any administrative position, or in any supervisory position on any project, and no person shall receive assistance in the form of payments or otherwise from the United States for services rendered under the National Youth Administration, under the appropriation in paragraph 1 or paragraph 2 unless such person before engaging in such employment or receiving such assistance subscribes to the following oath:

"I, A. B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office (or employment) on which I am about to enter (or which I now occupy). So help me God."

"PAR. 12 Compensated and uncompensated administrative and supervisory employees of the National Youth Administration, designated for the purpose by the National Youth Administrator, or his authorized representative, shall have the general powers of notaries public in the administration of oaths required by paragraphs 10 and 11, and the execution and acknowledgment of other legal instruments, and all forms of notarial acts determined by the National Youth Administrator to be necessary for the effective prosecution of the National Youth Administration programs. No fee shall be charged for oaths administered by such employees.

"PAR. 13. No person in need who refuses a bona fide offer of private employment under reasonable working conditions which pays the prevailing wage for such work in the community where he resides and who is capable of performing such work shall be employed or retained in employment on out-of-school work projects under the funds appropriated in paragraph 1 for the period such private employment continues available.

"PAR. 14. No portion of the appropriation in paragraph 1 or paragraph 2 shall be used to pay any compensation to any person who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States through force or violence.

"PAR. 15. No portion of the appropriations in paragraph 1 or paragraph 2 shall be used to pay the compensation of any civil service employee, except persons so appointed who are already employed by another agency of the Government and are assigned or detailed to the National Youth Administration.

"PAR. 16 In carrying out the purposes of this appropriation, the National Youth Administrator, or his authorized representatives, subject to the approval of the Federal Security Administrator, is authorized to accept and utilize voluntary and uncompensated services; to appoint and compensate officers and employees without regard to civil-service laws or the Classification Act of 1923, as amended (section 661 et seq. of Title 5); and to utilize, with the consent of the head of the Federal agency by which they are employed, Federal officers and employees, and with the consent of the State or local government, State and local officers and employees at such compensation as shall be determined by the National Youth Administrator to be necessary without regard to other laws governing the employment and compensation of Federal employees.

"PAR. 17. Appointments in any State to Federal positions of an administrative or advisory capacity under the appropriation in paragraph 2 shall be made from among the bona fide citizens of that State so far as not inconsistent with efficient administration.

"PAR. 18. In making separations from the Federal service, or furloughs without pay to last as long as three months, of persons employed within the District of Columbia, under the provisions of paragraph 2, the appointing power shall give preference, as nearly as good administration will warrant, in retention to appointees from States that have not received their share of ap-

pointments according to population: *Provided, however*, That soldiers and sailors, and marines, the widows of such, or the wives of injured soldiers, sailors, and marines, who themselves are not qualified, but whose wives are qualified to hold a position in the Government service, shall be given preference in retention, in their several grades and classes, where their ratings are good or better.

"PAR. 19 The provisions of the Act of February 15, 1934 (ch. 13) (48 Stat. 351), as amended, relating to disability or death compensation and benefits, shall apply to persons receiving compensation from the appropriation in paragraph 1 for services rendered as employees of the United States: *Provided*, That this section shall not apply in any case coming within the purview of the workmen's compensation law of any State, Territory, or possession, or in which the claimant has received or is entitled to receive similar benefits for injury or death: *Provided further*, That for carrying out the purposes of this paragraph there shall be made available to the United States Employees' Compensation Commission from the appropriation in such paragraph 1 the sum of \$200,000, or so much thereof as such Commission, with the approval of the Bureau of the Budget, estimates and certifies to the Secretary of the Treasury will be necessary for such purposes.

"PAR. 20. The funds appropriated by paragraph 1 hereof shall be available for emergency hospitalization and medical care, other than that contemplated by paragraph 19 hereof, by reimbursement to Government hospitals or by contract with other public or private hospitals, in cases of critical illness or injury, of youths, employed under paragraph 1 (b) hereof, who are full-time residents of projects involving the maintenance of youths in camps or other resident work centers under the supervision of the National Youth Administration.

"PAR. 21. The National Youth Administrator, subject to the approval of the Federal Security Administrator, is authorized to consider, ascertain, adjust, determine, and pay from the appropriation in paragraph 1 any claim arising out of operations thereunder accruing after June 30, 1941, on account of damage to, or loss of, privately owned property caused by the negligence of any employee of the National Youth Administration, while acting within the scope of his employment. No claim shall be considered hereunder which is in excess of \$500 or which is not presented in writing within one year from the date of accrual thereof. Acceptance by a claimant of the amount allowed on account of his claim shall be deemed to be in full settlement thereof, and the action upon such claim so accepted by the claimant shall be conclusive.

"PAR. 22. Any person who knowingly and with intent to defraud the United States makes any false statement in connection with any application for any project authorized in paragraph 1, or diverts, or attempts to divert, or assists in diverting, for the benefit of any person or persons not entitled thereto, any portion of the appropriation in paragraph 1, or any services or real or personal property acquired thereunder, or who knowingly, by means of any fraud, force, threat, intimidation, or boycott, or discrimination on account of race, religion, political affiliations, or membership in a labor organization, deprives, or attempts to deprive, or assists in depriving any person of any of the benefits to which he may be entitled under such appropriation, shall be deemed guilty of a felony and fined not more than \$2,000 or imprisoned not more than two years, or both. The provisions of this paragraph shall be in addition to, and not in substitution for, any other provisions of existing law.

"PAR. 23. All training or educational programs for youth employed by the National Youth Administration on work projects shall be under the control and supervision of the State boards for vocational education of the several States and shall be paid for out of appropriations made to the Office of Education and expended by the States pursuant to plans submitted by State boards for vocational education and approved by the Commissioner of Education."

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The paragraphs herein under the National Youth Administration may be cited as the "National Youth Administration Appropriation Act, 1942".

Chapter 17.—PRODUCTION, MARKETING, AND USE OF BITUMINOUS COAL

SUBCHAPTER B.—BITUMINOUS COAL ACT OF 1937

Sec.

852. Bituminous Coal Consumers' Counsel (New).

SUBCHAPTER B.—BITUMINOUS COAL ACT OF 1937

§ 829. Commission.

ABOLITION OF COMMISSION AND COUNSEL AND TRANSFER OF FUNCTIONS

Office of Consumers' Counsel of National Bituminous Coal Commission. Functions, records, property, and personnel of Counsel which were transferred by Reorg. Plan No. II, § 4 (c), to office of Solicitor of Department of Interior, were retransferred to newly created Bituminous Coal Consumers' Counsel by section 852 of this title.

§ 849. Duration of subchapter.

This subchapter shall cease to be in effect (except as provided in section 29 of Title 1) and any agencies and offices established under, or to engage in the administration of, this subchapter shall cease to exist at 12:01 A. M., April 26, 1943. (As amended Apr. 11, 1941, ch. 64, § 1 (a), 55 Stat. 134.)

§ 852. Bituminous Coal Consumers' Counsel.

(a) There is hereby established in the Executive branch of the Government an office to be known as the Office of the Bituminous Coal Consumers' Counsel. The office shall be in charge of a counsel to be appointed by the President, by and with the advice and consent of the Senate. The counsel shall have no financial interest, direct or indirect, in the mining, transportation, or sale of, or the manufacture of equipment for, coal (whether or not bituminous coal), oil, or gas, or in the generation, transmission, or sale of hydroelectric power, or in the manufacture of equipment for the use thereof, and shall not actively engage in any other business, vocation, or employment. The counsel shall receive compensation at the rate of \$10,000 per year and necessary traveling expenses. With the exception of a clerk to the counsel, the attorneys, and such special agents and experts as the counsel may from time to time find necessary for the conduct of his work, all employees of the counsel shall be appointed and their compensation fixed in accordance with the civil-service laws and sections 661-673 and 674 of Title 5.

(b) The counsel shall have and perform the functions conferred and imposed upon the Consumers' Counsel of the National Bituminous Coal Commission by this subchapter as in force on April 26, 1937. The functions of such office which were transferred, by Reorganization Plan Numbered II transmitted by the President to Congress on May 9, 1939, to the office of the Solicitor of the Department of the Interior shall not be performed by such office of the Solicitor after the Bituminous Coal Consumers' Counsel has taken office, and in no event after the expiration of sixty days after April 11, 1941.

(c) All records and property of such office of the Consumers' Counsel of the National Bituminous Coal Commission transferred by such Reorganization Plan to the office of the Solicitor of the Department of the Interior, and all records and property of the office

of such Solicitor used primarily in the administration of any function of the office of such Consumers' Counsel transferred by such Reorganization Plan, and all personnel so transferred (not heretofore retransferred or separated from the service under section 402 of such Reorganization Plan) and all personnel used in the administration of such functions are transferred to the Office of the Bituminous Coal Consumers' Counsel established by subsection (a) of this section for use in the administration of the functions vested in such office by this section.

(d) So much of the unexpended balances of the appropriations, allocations, or other funds available for the use of the office of the Solicitor of the Department of the Interior in the exercise of the functions of the Office of the Consumers' Counsel of the National Bituminous Coal Commission transferred by such Reorganization Plan, or for the use of the Secretary of the Interior in the exercise of any function so transferred, as the Director of the Budget with the approval of the President shall determine, shall be transferred to the Office of the Bituminous Coal Consumers' Counsel for use in connection with the exercise of the functions vested in such office by this section. In determining the amount to be transferred the Director of the Bureau of the Budget may include an amount to provide for the liquidation of obligations incurred against such appropriations, allocations, or other funds prior to the transfer: *Provided*, That the use of the unexpended balances of appropriations, allocations, or other funds transferred by this section shall be subject to the provi-

sions of section 133c (d) (3) and section 133h of Title 5.

(e) All orders, rules, regulations, permits, or other privileges made, issued, or granted by or in respect of the Consumers' Counsel of the National Bituminous Coal Commission, or the office of such Consumers' Counsel, or the Solicitor of the Department of the Interior, or the office of such Solicitor, in the administration of the functions vested in such office or officer by this subchapter or such Reorganization Plan, and in effect on April 11, 1941, shall continue in effect to the same extent as if this section had not been enacted, until modified, superseded, or repealed.

(f) No suit, action, or other proceeding lawfully commenced by or against any of the officers or offices referred to in subsection (e) of this section in his or its official capacity or in relation to the discharge of his or its official duties, shall abate by reason of the enactment of this section, but the court or agency before which such suit, action, or proceeding is pending, may (on motion or supplemental petition filed at any time within twelve months after April 11, 1941, showing a necessity for the survival of such suit, action, or proceeding to obtain a settlement of the questions involved) allow the same to be maintained by or against the Bituminous Coal Consumers' Counsel. (Apr. 26, 1937, ch. 127, § 22, as added Apr. 11, 1941, ch. 64, § 2, 55 Stat. 134.)

REFERENCES IN TEXT

Reorganization Plan No. II is set out in the note under section 133t of Title 5, Executive Department and Government Officers and Employees.

TITLE 16.—CONSERVATION

Chapter 1.—THE NATIONAL PARKS, MILITARY PARKS, MONUMENTS, AND SEASHORES

THE NATIONAL PARK SERVICE

Sec.	
14c	Same; availability for expense of recording donated lands (New).
18e	Repealed

NATIONAL AND INTERNATIONAL MONUMENTS AND MEMORIALS (NEW)

450y.	Coronado International Memorials; establishment
450y-1.	Same; administration by National Park Service
450y-2.	Same; grazing and mining within memorial area.
450y-3.	Same; construction of fences.
450y-4.	Same; acquisition of property; donations
450z.	Organ Pipe Cactus National Monument, disposal of minerals and mining rights

THE NATIONAL PARK SERVICE

§ 6. Donations of lands within national parks and monuments and moneys.

CROSS REFERENCES

Appropriation to cover cost of recording donated lands, see section 14c of this title.

§ 14c. Same; availability for expense of recording donated lands.

Hereafter appropriations made for the National Park Service shall be available for any expenses incident to the preparation and recording of title evidence covering lands to be donated to the United States for administration by the National Park Service. (June 28, 1941, ch. 259, § 1, 55 Stat. 350.)

§ 18e. Repealed. Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 541 (c), 55 Stat. 710.

Section, act June 28, 1941, ch. 259, § 1, 55 Stat. 350, exempted national park, etc., admission fees from all Federal tax on admissions. Act Sept. 20, 1941, cited in the catchline, amended the Interior Department Appropriation Act, 1942, "by striking out that part thereof" which was the source of this section. Said act Sept. 20, 1941, was made effective on, and applicable only with respect to the period beginning with, Oct. 1, 1941, by section 550 (a) thereof.

CARLSBAD CAVERNS NATIONAL PARK

§ 407d. Admission and guide fees exempt from tax.

REPEAL

Act Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 541 (c), 55 Stat. 710, amended act May 9, 1935, cited to text, "by striking out that part thereof" upon which this section was based. Said act Sept. 20, 1941, however, made no mention of act June 22, 1936, cited to text, which reenacted those same provisions. Such act Sept. 20, 1941, was made effective on, and applicable only with respect to the period beginning with, Oct. 1, 1941, by section 550 (a) thereof.

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NATIONAL AND INTERNATIONAL MONUMENTS AND MEMORIALS

§ 450y. Coronado International Memorial; establishment.

For the purpose of permanently commemorating the explorations of Francisco Vásquez de Coronado, the President of the United States is authorized to declare, by proclamation, any lands within the following-described area, subject to all valid existing rights, to be established as the "Coronado International Memorial":

Gila and Salt River meridian: Township 24 south, range 20 east, section 10, south half southwest quarter, south half southeast quarter; section 11, south half southwest quarter; section 13, southwest quarter northwest quarter, south half; section 14, northwest quarter, south half, northwest quarter northeast quarter, south half northeast quarter; section 15, all; section 22, all; section 23, all; section 24, all; township 24 south, range 21 east, section 17, south half southwest quarter; section 18, southwest quarter, south half southeast quarter; section 19, all; section 20, lots 3 and 4; aggregating approximately two thousand eight hundred and eighty acres: *Provided*, That said proclamation shall not be issued until the President of the United States shall have been advised through official channels that the Government of Mexico has established, or provided for the establishment of, an area of similar type and size adjoining the area described herein. (Aug. 18, 1941, ch. 365, § 1, 55 Stat. 630.)

CROSS REFERENCES

Coronado National Forest, see section 482h of this title.

§ 450y-1. Same; administration by National Park Service.

The National Park Service, under the direction of the Secretary of the Interior, shall promote and regulate the use of the Coronado International Memorial for the benefit and enjoyment of the people of the United States. Insofar as applicable and not in conflict with sections 450y to 450y-4 of this title, and sections 1, 2-4, 22, 43 of this title, providing for the establishment of a National Park Service, as amended and supplemented, shall govern the promotion and regulation of the designated memorial area: *Provided*, That nothing in sections 450y to 450y-4 of this title shall be construed to authorize any recreational or other development by the National Park Service within the sixty-foot strip north of the international boundary between the United States and Mexico withdrawn by proclamation of the President dated May 27, 1907 (35 Stat., part II, p. 2136), unless such development has received the prior approval of the Secretary of State. (Aug. 18, 1941, ch. 365, § 2, 55 Stat. 630.)

§ 450y-2. Same; grazing and mining within memorial area.

The Secretary of the Interior, under such regulations as shall be prescribed by him, which regulations shall be substantially similar to those now in effect, shall permit—

(a) Grazing of livestock within the memorial area to the extent now permitted within the said area when such grazing will not interfere with recreational development authorized by sections 450y to 450y-4 of this title; and

(b) Prospecting and mining within the memorial area, when not inconsistent with the public uses thereof. Rights to minerals in the area shall not extend to the lands containing such minerals, but the Secretary of the Interior shall grant rights to use so much of the surface of the lands as may be required for all purposes reasonably incident to the mining and removal of the minerals. (Aug. 18, 1941, ch. 365, § 3, 55 Stat. 631.)

§ 450y-3. Same; construction of fences.

In the administration of the memorial area the Secretary shall not permit the construction of fences except (a) along the international boundary, (b) beside memorial roads or approach roads, and (c) around memorial areas within which improvements have been located by the National Park Service: *Provided*, That any roads constructed within the memorial area by the National Park Service shall include necessary cattle underpasses properly located for the passage of cattle across such roads: *And provided further*, That the right to the exclusive beneficial consumptive use for stock-watering purposes of any water heretofore developed or used for such purposes within the memorial area shall remain in the present holders thereof, their heirs, assigns, successors, and administrators, so long as such water continues to be used exclusively for such purposes: *And provided further*, That nothing in sections 450y to 450y-4 of this title shall be construed to alter or affect any water right in the State of Arizona or the jurisdiction of said State over its waters: *And provided further*, That neither roads nor public campgrounds shall be constructed by the National Park Service within the south half southwest quarter of said section 10. (Aug. 18, 1941, ch. 365, § 4, 55 Stat. 631.)

§ 450y-4. Same; acquisition of property; donations.

Upon submission of title satisfactory to him, the Secretary of the Interior, on behalf of the United States, may accept lands and interests in lands which are within the memorial area but are not in Federal ownership and which are offered to the United States without cost. (Aug. 18, 1941, ch. 365, § 5, 55 Stat. 631.)

§ 450z. Organ Pipe Cactus National Monument; disposal of minerals and mining rights.

Within the Organ Pipe Cactus National Monument in Arizona all mineral deposits of the classes and kinds now subject to location, entry, and patent under the mining laws of the United States shall be, exclusive of the land containing them, subject to disposal under such laws, with right of occupation and

use of so much of the surface of the land as may be required for all purposes reasonably incident to the mining or removal of the minerals and under such general regulations as may be prescribed by the Secretary of the Interior. (Oct. 27, 1941, ch. 459, 55 Stat. 745.)

Chapter 2.—THE NATIONAL FORESTS

ESTABLISHMENT AND ADMINISTRATION

§ 432h. Coronado National Forest; mining rights.

CROSS REFERENCES

Coronado International Memorial, see section 450y et seq of this title.

§ 501a. Evaluation of receipts for sections 500 and 501.

REPEATED —Act July 1, 1941, ch. 267, § 1, 55 Stat. 421

Chapter 3.—FOREST PROTECTION; FOREST SERVICE; REFORESTATION

Sec.

578a. Rental of Forest Service equipment to non-Federal agencies (New).

580 Use of Forest Service appropriations for repair, etc. of equipment (New).

§ 571a. Same; maximum allowance on construction costs.

REPEATED.—Act July 1, 1941, ch. 267, § 1, 55 Stat. 421

§ 578a. Rental of Forest Service equipment to non-Federal agencies.

The Forest Service may rent equipment for fire-control purposes to State, county, private, or other non-Federal agencies cooperating with the Forest Service in fire control under the terms of written cooperative agreements, the amount collected for such rental to be credited to appropriations currently available at the time payment is received. (July 1, 1941, ch. 267, § 1, 55 Stat. 422.)

§ 579. Purchase of improvements in lieu of construction.

REPEATED —Act July 1, 1941, ch. 267, § 1, 55 Stat. 422.

§ 580. Use of Forest Service appropriations for repair, etc., of equipment.

The appropriations for the work of the Forest Service available for the operation, repair, maintenance, and replacement of motor and other equipment may be reimbursed for use of such equipment on projects of the Forest Service chargeable to other appropriations, or on work of other Federal agencies, when requested by such agencies, reimbursement to be made from appropriations applicable to the work on which used at rental rates fixed by the Chief Forester based on the actual or estimated cost of operation, repair, maintenance, depreciation, and equipment management control, and credited to appropriations currently available at the time adjustment is effected. (July 1, 1941, ch. 267, § 1, 55 Stat. 421.)

Chapter 3A.—UNEMPLOYMENT RELIEF THROUGH PERFORMANCE OF USEFUL PUBLIC WORK

CIVILIAN CONSERVATION CORPS

Sec.

584f-1. Annual expenditures per enrollee (New).

§ 584f-1. Annual expenditures per enrollee.

The over-all expenditure per enrollee per year shall not exceed \$1,000: *Provided*, That such limit of

\$1,000 may be exceeded if the average enrollee strength is below two hundred and ten thousand enrollees. (July 1, 1941, ch. 269, title I, § 1, 55 Stat. 473, as amended Aug. 25, 1941, ch. 409, title IV, § 1, 55 Stat. 683.)

AMENDMENTS

1941.—Act Aug 25, 1941, cited to text, added proviso
§ 584n. Disposal of surplus property.

TRANSFER OF EQUIPMENT

Act Dec. 23, 1941, ch. 621, 55 Stat. 855, provided for the transfer during the fiscal years 1942 and 1943 of any motor or other equipment of the Civilian Conservation Corps to any department, etc of the Government when directed by the Bureau of the Budget before July 1, 1943.

§ 584n-1. Exchange of equipment.

The Director of the Civilian Conservation Corps may authorize the exchange of motor-propelled and horse-drawn vehicles, tractors, road equipment, and boats, and parts, accessories, tires, or equipment thereof, in whole or in part payment for vehicles, tractors, road equipment, or boats, or parts, accessories, tires, or equipment of such vehicles, tractors, road equipment, or boats which the corps has acquired. (As amended July 1, 1941, ch. 269, title II, 55 Stat. 473.)

AMENDMENTS

1941.—Act July 1, 1941, cited to text, added words "of the Civilian Conservation Corps" after "Director" and substituted "acquired" for "purchased" at end of section

Chapter 3B.—SOIL CONSERVATION

Sec

590i-2 Furnishing photographs, mosaics, and maps required in soil conservation operations of Department of the Interior (New).

§ 590h. Payments and grants of aid.

(a) Duration of authority of Secretary of Agriculture.

In order to carry out the purposes specified in section 590g (a) of this title during the period necessary to afford a reasonable opportunity for legislative action by a sufficient number of States to assure the effectuation of such purposes by State action and in order to promote the more effective accomplishment of such purposes by State action thereafter, the Secretary shall exercise the powers conferred in this section during the period prior to January 1, 1947, except with respect to farming operations commenced in any State after the effective date of a State plan for such State approved pursuant to section 590g of this title. No such powers shall be exercised after December 31, 1946, except with respect to payments or grants in connection with farming operations carried out prior to January 1, 1947.

(b) Payments and grants of aid; local, county, state committees; rules and regulations.

* * * * *

Notwithstanding any other provision of law, in making available conservation materials consisting of seeds, seed inoculants, fertilizers, liming and other soil-conditioning materials, trees, or plants, or in making available soil-conserving or soil-building services, to agricultural producers under this subsection, the Secretary may make payments, in advance

of determination of performance by the producers, to persons who fill purchase orders covering approved conservation materials or covering soil-conserving or soil-building services, furnished to producers at not to exceed a fair price fixed in accordance with regulations to be prescribed by the Secretary, or who render services to the Secretary in delivering to producers approved conservation materials, for the carrying out, by the producers, of soil-building or soil-conserving practices approved by the Secretary. (As amended June 21, 1941, ch. 217, 55 Stat. 257; Dec. 26, 1941, ch. 626, § 1, 55 Stat. 860.)

* * * * *

AMENDMENTS

1941—Subsec (a) was amended by act Dec 26, 1941, cited to text, which substituted "January 1, 1947" for "January 1, 1942" and "December 31, 1946" for "December 31, 1941"

Subsec. (b), par. beginning with words "Notwithstanding any other provisions of law" was added by act June 21, 1941, cited to text.

PAYMENTS TO SHARECROPPERS FOR YEARS 1940 AND 1941

Department of Agriculture Appropriation Act of 1942, act July 1, 1941, ch. 267, § 1, 55 Stat. 436 as amended Dec. 22, 1941, ch. 611, 55 Stat. 850, provided in part: "notwithstanding any other provision of law, persons who in 1940 and 1941 carried out farming operations as landlords, tenants, or sharecroppers on cropland owned by the United States Government and who complied with the terms and conditions of the 1940 and 1941 agricultural conservation programs, formulated pursuant to sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended [sections 590i-590q of this title], shall be entitled to apply for and receive payments, or to retain payments heretofore made, for their participation in said program to the same extent as other producers, and wherever in either of such years the acquisition of title to, or lease of, any farm for use in the national-defense program caused the producers to lose their interest in the crops planted thereon, or the proceeds thereof, prior to the time of harvest, the landlord, tenants, and sharecroppers on such farm in such year shall be entitled to apply for and receive the payments which they would have received under the agricultural conservation program for such year if they had been permitted to retain their interest in such crops, or the proceeds thereof, to the extent that it does not clearly appear that in connection with such acquisition full compensation was made for the failure to receive such payments"

§ 590i-1. Furnishing photographs, mosaics, and maps required by Soil Conservation Service.

REPEATED.—Act July 1, 1941, ch. 267, § 1, 55 Stat. 434

§ 590i-2. Furnishing photographs, mosaics, and maps required in soil conservation operations of Department of the Interior.

Reproductions of such aerial or other photographs, mosaics, and maps as shall be required in connection with the authorized soil and moisture conservation operations of the Department of the Interior may be furnished to cooperating persons or agencies and to Government agencies at the estimated cost of furnishing such reproductions, and to other persons or agencies at such prices (not less than estimated cost of furnishing such reproductions) as the Secretary may determine, the money received from such sales to be deposited in the Treasury to the credit of this appropriation. (June 28, 1941, ch. 259, § 1, 55 Stat. 306.)

Chapter 3C.—WATER CONSERVATION

CONSERVATION AND UTILIZATION PROJECTS

Sec.

590z-11. Delegation of powers and duties by Secretary of Interior (New).

CONSERVATION AND UTILIZATION PROJECTS

§ 590z-9. Powers and duties of Secretaries of Interior and Agriculture; rules and regulations.

CROSS REFERENCES

Delegation of powers and duties of Secretary of Interior, see section 590z-11 of this title

§ 590z-11. Delegation of powers and duties by Secretary of Interior.

For the purpose of facilitating and simplifying the administration of the Federal reclamation laws (sections 372, 373, 381, 383, 391, 392, 411, 416, 419, 421, 431, 432, 434, 439, 461, 491, and 498 of Title 43 and Acts amendatory thereof or supplementary thereto) and sections 590y—590z-10 of this title, the Secretary of the Interior is hereby authorized to delegate, from time to time and to the extent and under such regulations as he deems proper, his powers and duties under said laws to the Commissioner of Reclamation, an Assistant Commissioner, or the officer in charge of any office, division, district, or project of the Bureau of Reclamation. (Dec. 19, 1941, ch. 595, 55 Stat. 842.)

Chapter 5B.—WILDLIFE RESTORATION

Sec

669g-1. Payment of funds to and cooperation with the Territories (New).

§ 669g-1. Payment of funds to and cooperation with the Territories.

The Secretary of the Interior is authorized to cooperate with the Alaska Game Commission, the Division of Game and Fish of the Board of Commissioners of Agriculture and Forestry of Hawaii, the Commissioner of Agriculture and Commerce of Puerto Rico, and the Governor of the Virgin Islands, in the conduct of wildlife-restoration projects, as defined in section 669a of this title, upon such terms and conditions as he shall deem fair, just, and equitable, and is authorized to apportion to said Territories, Puerto Rico, and the Virgin Islands, out of money available for apportionment under sections 669-669j of this title, such sums as he shall determine, not exceeding \$25,000 for Alaska, and \$10,000 each for Hawaii, Puerto Rico, and the Virgin Islands, in any one year, which apportionments, when made, shall be deducted before making the apportionments to the States provided for by said sections; but the Secretary shall in no event require any of said cooperating agencies to pay an amount which will exceed 25 per centum of the cost of any project. Any unexpended or unobligated balance of any apportionment made pursuant to this section shall be available for expenditure in the Territories, Puerto Rico, or the Virgin Islands, as the case may be, in the succeeding year, on any approved project, and if unexpended or unobligated at the end of such year is authorized to be made available for expenditure by the Secretary of the Interior in carry-

ing out the provisions of sections 715-715d, 715e, 715f-715k, 715l-715r of this title. (Sept. 2, 1937, ch. 899, § 8 (a), as added Aug. 18, 1941, ch. 367, 55 Stat. 632.)

Chapter 6.—GAME AND BIRD PRESERVES; PROTECTION

§ 676. Same; hunting, etc., in; regulation; punishment.

Hunting, trapping, killing, or capturing of game animals and birds upon the lands of the United States designated in section 675 of this title shall be unlawful, except under such regulations as may be prescribed from time to time by the Secretary of Agriculture; and any person violating such regulations or the provisions of sections 675-678 of this title shall be deemed guilty of a misdemeanor, and shall, upon conviction in any United States court of competent jurisdiction, be fined in a sum not exceeding \$1,000, or be imprisoned for a period not exceeding one year, or shall suffer both fine and imprisonment, in the discretion of the court. It is the purpose of this section to protect from trespass the public lands of the United States and the game animals and birds which may be thereon, and not to interfere with the operation of the local game laws as affecting private or State lands (June 5, 1920, ch. 247, §§ 2, 3, 41 Stat. 986.)

§ 677. Same; inclosure.

The State of South Dakota is hereby authorized and permitted to erect and maintain a good substantial fence, inclosing in whole or in part Custer State Park Game Sanctuary. The State shall erect and maintain such gates in this fence as may be required by the authorized agents of the Federal Government in administering this game sanctuary and the adjoining national forest lands, and may erect and maintain such additional inclosures as may be agreed upon with the Secretary of Agriculture. The right of the State to maintain this fence shall continue so long as Custer State Park Game Sanctuary is also given similar protection by the laws of the State of South Dakota. (June 5, 1920, ch. 247, § 4, 41 Stat. 986.)

§ 682. Game refuge in Ozark National Forest.

The President of the United States is authorized to designate such national forest lands within the Ozark National Forest, within the State of Arkansas, as should, in his discretion, be set aside for the protection of game animals, birds, or fish; and whoever shall hunt, catch, trap, willfully disturb, or kill any kind of game animal, game or nongame bird, or fish, or take the eggs of any such bird on any lands so set aside, or in or on the waters thereof, except under such general rules and regulations as the Secretary of Agriculture may from time to time prescribe, shall be fined not more than \$500 or imprisoned not more than six months, or both. No lands within the present limits of the fourth congressional district shall be included in such designation. (Feb. 28, 1925, ch. 376, 43 Stat. 1091.)

§ 683. Areas set aside for protection of game and fish; unlawfully taking game or fish.

The President of the United States is authorized to designate such areas on any lands purchased by the

United States under the provisions of sections 513-519 and 521 of this title, as should, in his opinion, be set aside for the protection of game animals, birds, or fish. Whoever shall hunt, catch, trap, willfully disturb or kill any kind of game animal, game or nongame bird, or fish, or take the eggs of any such bird on lands set aside, or in or on the waters thereof, except under such general rules and regulations as the Secretary of Agriculture may from time to time prescribe, shall be fined not more than \$500 or imprisoned not more than six months, or both. (Aug. 11, 1916, ch. 313, 39 Stat. 476.)

§ 685. Same; hunting, trapping, killing, or capturing game unlawful.

Hunting, trapping, killing, or capturing of game animals and birds upon the lands of the United States within the limits of areas in the Wichita National Forest and in the Grand Canyon National Forest provided for in section 634 of this title shall be unlawful, except under such regulations as may be prescribed from time to time by the Secretary of the Interior and the Secretary of Agriculture, respectively; and any person violating such regulations or the provisions of this section shall be deemed guilty of a misdemeanor, and shall, upon conviction in any United States court of competent jurisdiction, be fined in a sum not exceeding \$1,000 or be imprisoned for a period not exceeding one year, or shall suffer both fine and imprisonment, in the discretion of the court. (Jan. 24, 1905, ch. 137, § 2, 33 Stat. 614; June 29, 1906, ch. 3593, § 2, 34 Stat. 607; Reorg. Plan No. II, § 4 (f), eff. July 1, 1939, 4 Fed. Reg. 2731, 53 Stat. 1433.)

CODIFICATION

Words "in the Wichita National Forest and in the Grand Canyon National Forest" were inserted, and "Secretary of the Interior and Secretary of Agriculture, respectively" was substituted for "Secretary of Agriculture" because of Reorg. Plan No. II, cited to text, which transferred the Bureau of Biological Survey from the Department of Agriculture to the Department of the Interior. The Wichita National Forest, which was then administered by that Bureau, was affected by the transfer. However, the Grand Canyon National Forest was administered by the Forest Service and was consequently not affected.

§ 688. Sequoia National Game Preserve.

All parts of township 17 south, ranges 31 and 32 east, and township 18 south, range 31 east, Mount Diablo base and meridian, which are north of the hydrographic divide passing through Farewell Gap, and which are not added to and made part of the Sequoia National Park by the provisions of section 45a of this title, are hereby designated as the Sequoia National Game Refuge, and the hunting, trapping, killing, or capturing of birds and game or other wild animals upon the lands of the United States within the limits of the said area shall be unlawful, except under such regulations as may be prescribed from time to time by the Secretary of Agriculture; and any persons violating such regulations or the provisions of this section shall be deemed guilty of a misdemeanor, and shall, upon conviction in any United States court of competent jurisdiction, be fined in a sum not exceeding \$1,000, or by imprisonment for a period not exceeding one year, or shall suffer both fine and imprisonment, in the discretion of the court: *Provided*, That it is the purpose of this

section to protect from trespass the public lands of the United States and the game animals which may be thereon, and not to interfere with the operation of the local game laws as affecting private or State lands: *Provided further*, That the lands included in said game refuge shall continue to be parts of the Sequoia National Forest, and nothing contained in this section shall prevent the Secretary of Agriculture from permitting other uses of said lands under and in conformity with the laws and the rules and regulations applicable thereto so far as may be consistent with the purposes for which said game refuge is established. (July 3, 1926, ch. 744, § 6, 44 Stat. 821.)

§ 689a. Same; other uses of land permitted.

The lands included in said game preserve shall continue to be parts of the national forest and nothing contained in sections 689-689d of this title shall prevent the Secretary of Agriculture from permitting other uses of said lands under and in conformity with the laws and rules and regulations applicable thereto so far as any such use may be consistent with the purposes for which said game preserve is established. (July 3, 1926, ch. 776, § 2, 44 Stat. 889.)

§ 689c. Same; rules and regulations; predatory animals.

The Secretary of Agriculture shall execute the provisions of sections 689-689d of this title, and he is hereby authorized to make all needful rules and regulations for the administration of such game preserves in accordance with the purposes of said sections, including regulations for hunting, capturing, or killing predatory animals, such as wolves, coyotes, cougar, and other species destructive to livestock or wildlife within the limits of said game preserve. (July 3, 1926, ch. 776, § 4, 44 Stat. 889.)

§ 689d. Same; acceptance of title to privately owned lands.

Upon the recommendation of the Secretary of Agriculture the Secretary of the Interior is authorized in his discretion to accept, on behalf of the United States, title to any lands in private ownership within the boundaries of the game preserve established hereby, and make exchange therefor under the provisions of section 485 of this title. (July 3, 1926, ch. 776, § 5, 44 Stat. 889.)

§ 693. Game sanctuaries and refuges in Ouachita National Forest.

For the purpose of providing breeding places and for the protection and administration of game animals, birds, and fish, the President of the United States is hereby authorized, upon the recommendation of the Secretary of Agriculture, to establish by public proclamation certain specified areas within the Ouachita National Forest as game sanctuaries and refuges. (June 13, 1933, ch. 63, § 1, 48 Stat. 128.)

§ 693a. Same; rules and regulations; violations; penalties.

The Secretary of Agriculture shall execute the provisions of this section and section 693, and he is hereby authorized to prescribe all general rules and regulations for the administration of such game sanc-

tuaries and refuges, and violation of such rules and regulations shall be punished by fine of not more than \$500 or imprisonment for not more than six months or both. (June 13, 1933, ch. 63, § 2, 48 Stat. 128.)

§ 694. Fish and game sanctuaries in national forests; establishment by President.

For the purpose of providing breeding places for game birds, game animals, and fish on lands and waters in the national forests not chiefly suitable for agriculture, the President of the United States is hereby authorized, upon recommendation of the Secretary of Agriculture and the Secretary of Commerce and with the approval of the State legislatures of the respective States in which said national forests are situated, to establish by public proclamation certain specified and limited areas within said forests as fish and game sanctuaries or refuges which shall be devoted to the increase of game birds, game animals, and fish of all kinds naturally adapted thereto, but it is not intended that the lands included in such fish and game sanctuaries or refuges shall cease to be parts of the national forests wherein they are located, and the establishment of such fish and game sanctuaries or refuges shall not prevent the Secretary of Agriculture from permitting other uses of the national forests under and in conformity with the laws and the rules and regulations applicable thereto so far as such uses may be consistent with the purposes for which such fish and game sanctuaries or refuges are authorized to be established. (Mar. 10, 1934, ch. 54, § 1, 48 Stat. 400.)

§ 694b. Same; rules and regulations; jurisdiction of States.

The Secretaries of Agriculture and Commerce shall execute the provisions of this section and sections 694 and 694a of this title, and they are hereby jointly authorized to make all needful rules and regulations for the administration of such fish and game sanctuaries or refuges in accordance with the purpose of sections 694-694b of this title, including regulations not in contravention of State laws for hunting, capturing, or killing predatory animals, such as wolves, coyotes, foxes, pumas, and other species destructive to livestock or wild life or agriculture within the limits of said fish and game sanctuaries or refuges: *Provided*, That the present jurisdiction of the States shall not be altered or changed without the legislative approval of such States. (Mar. 10, 1934, ch. 54, § 3, 48 Stat. 401.)

Chapter 7.—PROTECTION OF MIGRATORY GAME AND INSECTIVOROUS BIRDS

HUNTING STAMP TAX

Sec.

7181. Disposal of surplus stamps (New).

MIGRATORY BIRD TREATY ACT

§ 704. Determination as to when and how migratory birds may be taken, killed, or possessed.

REGULATIONS RELATING TO MIGRATORY BIRDS AND CERTAIN GAME MAMMALS

Proc. No. 2345 was further amended by Proc. No. 2501, Aug. 16, 1941, 6 Fed. Reg. 4233; Proc. No. 2518, Oct. 16, 1941, 6 Fed. Reg. 5303, 55 Stat. —.

REGULATION 3. MEANS BY WHICH MIGRATORY GAME BIRDS MAY BE TAKEN

The migratory game birds on which open seasons are specified in regulation 4 of these regulations may be taken during such respective open seasons with bow and arrow or with a shotgun not larger than No. 10 gage, fired from the shoulder, except as permitted by regulations 7, 8, 9, and 10 of these regulations, but they shall not be taken with or by means of any automatic-loading or hand-operated repeating shotgun capable of holding more than three shells, the magazine of which has not been cut off or plugged with a one-piece metal or wooden filler incapable of removal through the loading end thereof, so as to reduce the capacity of said gun to not more than three shells at one time in the magazine and chamber combined; they may be taken during the open season from land or water, with the aid of a dog, and from a blind, boat, or floating craft except sinkbox (battery), powerboat, sailboat, any boat under sail, and any craft or device of any kind towed by powerboat or sailboat; but nothing herein shall permit the taking of migratory game birds from or by means, aid, or use of an automobile or aircraft of any kind, or to permit the taking of waterfowl by means, aid, or use of cattle, horses, or mules. * * * (As amended by Proc. No. 2501, Aug. 16, 1941, 6 Fed. Reg. 4233, 55 Stat. —.)

REGULATION 4. OPEN SEASONS ON AND POSSESSION OF CERTAIN MIGRATORY GAME BIRDS

Waterfowl (except snow geese in Idaho and snow geese and brants in States bordering on the Atlantic Ocean; Ross' geese, and swans), and coots, may be taken each day from sunrise to 4 p. m., and rails and gallinules (other than coots), woodcocks, mourning or turtle doves, white-winged doves, and band-tailed pigeons from sunrise to sunset each day during the open seasons prescribed therefor in this regulation, and they may be taken by the means and in the numbers permitted by regulations 3 and 5 of these regulations, respectively, and when so taken may be possessed in the numbers permitted by regulation 5 any day in any State, Alaska, Puerto Rico or in the District of Columbia during the period constituting the open season where taken and for an additional period of 20 days next succeeding said open season, but no such bird shall be possessed in any State, Alaska, Puerto Rico or in the District of Columbia at a time when such State, Alaska, Puerto Rico or District prohibits the possession thereof. Nothing herein shall be deemed to permit the taking of migratory birds on any reservation or sanctuary established under the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222), nor on any area of the United States set aside under any other law, proclamation, or Executive order for use as a bird, game, or other wildlife reservation, breeding ground, or refuge except insofar as may be permitted by the Secretary of the Interior under existing law, nor on any area adjacent to any such refuge when such area is designated as a closed area under the Migratory Bird Treaty Act.

Waterfowl and coot. The open seasons on waterfowl but not including wood ducks (except snow geese in Idaho and snow geese and brant in States bordering on the Atlantic Ocean; Ross' geese, and swans), and coot, in the several States, Alaska and Puerto Rico, shall be as follows, both dates inclusive:

In Maine, Michigan, Minnesota, Montana, New Hampshire, North Dakota, Ohio, South Dakota, Wisconsin, and Wyoming, October 1 to November 29.

In California, Colorado, Connecticut, Delaware, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Massachusetts, Missouri, Nebraska, Nevada, New Jersey, New York, including Long Island, Oklahoma, Oregon, Pennsylvania, Rhode Island, Utah, Vermont, Washington, and West Virginia, October 16 to December 14.

In Alabama, Arizona, Arkansas, Florida, Georgia, Louisiana, Maryland, Mississippi, New Mexico, North Carolina, South Carolina, Tennessee, Texas, and Virginia, November 2 to December 31.

In Puerto Rico, December 15 to February 12.

In Fur Districts 1 and 3 in Alaska, as defined in the regulations governing the taking of game in Alaska

adopted June 8, 1940 (5 FR 2288), October 1 to November 29; and in the remainder of Alaska, September 1 to October 30. *Provided*, That scoters, locally known as sea coots, may be taken in open coastal waters only, beyond outer harbor lines, in Maine and New Hampshire from September 15 to September 30, and in Connecticut, Massachusetts, New York including Long Island, and Rhode Island, from September 15 to October 15, and thereafter from land or water during the open seasons for other waterfowl in these States.

Wood ducks. The open seasons on wood ducks in the States of Alabama, Arkansas, Delaware, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Pennsylvania, South Carolina, Tennessee, Texas, and Virginia, shall be the same as the open seasons prescribed in the preceding section for other waterfowl in these States.

Rails and gallinules (except coot). The open season on rails and gallinules (except coot) shall be from September 1 to November 30, both dates inclusive, except as follows:

Alabama, November 20 to January 31.
Louisiana, November 1 to January 31
Maine, October 1 to November 30.
Massachusetts, and New York, including Long Island, October 16 to December 14.
Minnesota, September 16 to November 30.
Puerto Rico, December 15 to February 12.
Tennessee, November 2 to December 31.
Wisconsin, October 1 to November 29.
California, District of Columbia, Hawaii, Idaho, Montana, Nevada, Oregon, and Washington, no open season.

Woodcock. The open seasons on woodcock shall be as follows, both dates inclusive:

That part of New York lying north of the tracks of the main line of the New York Central Railroad extending from Buffalo to Albany and north of the tracks of the main line of the Boston & Albany Railroad extending from Albany to the Massachusetts State line, and in Minnesota, Vermont, and Wisconsin, October 1 to October 15

That part of New York lying south of the line above described and in Connecticut, and Indiana, October 15 to October 29

That part of New York known as Long Island, and in New Jersey, and Rhode Island, November 1 to November 15.

Arkansas, and Oklahoma, December 1 to December 15
Delaware, and Maryland, November 15 to November 29.
Louisiana, and Mississippi, December 15 to December 29.

Maine, New Hampshire, and Ohio, October 10 to October 24

Massachusetts, October 20 to November 3.

Michigan, in Upper Peninsula, October 1 to October 15; in remainder of State, October 15 to October 29.

Missouri, November 10 to November 24.

Pennsylvania, October 16 to October 30.

Virginia, November 20 to December 4.

West Virginia, October 17 to October 31.

Mourning or turtle dove. The open seasons on mourning or turtle dove shall be as follows, both dates inclusive:

Alabama, Florida, Georgia, Louisiana, Mississippi, and South Carolina, December 1 to January 11.

Arizona, California, Kansas, Missouri, Nevada, New Mexico, and Oklahoma, September 1 to October 12.

Arkansas, Delaware, Kentucky, Maryland, North Carolina, Tennessee, and Virginia, September 16 to October 27.

Idaho, September 1 to September 10.

Illinois, September 1 to September 30.

Minnesota, September 16 to September 30.

Oregon, September 1 to September 15.

Texas, in Yoakum, Terry, Lynn, Garza, Kent, Stonewall, Haskell, Throckmorton, Young, Jack, Wise, Denton, Collin, and Hunt Counties, and all counties north thereof, and in Parker, Tarrant, Dallas, Rockwell, Kaufman, Johnson, Hopkins, Delta, Franklin, and Ellis Counties, September 1 to October 12; in remainder of State, September 16 to October 27.

White-winged dove. The open seasons on white-winged dove shall be as follows, both dates inclusive:

Arizona, September 1 to September 15.

Texas, September 16 to September 25.

Band-tailed pigeon. The open seasons on band-tailed pigeon shall be as follows, both dates inclusive:

Arizona, New Mexico, and Washington, September 16 to September 30.

California, December 1 to December 15.

Oregon, September 1 to September 15. (As amended by Proc. No. 2501, Aug 16, 1941, 6 Fed. Reg. 4233, 55 Stat. —.)

REGULATION 5. DAILY BAG AND POSSESSION LIMITS ON CERTAIN MIGRATORY GAME BIRDS

A person may take in any one day during the open seasons prescribed therein in regulation 4 of these regulations not to exceed the following numbers of migratory game birds, which numbers shall include all birds taken by any other person who for hire accompanies or assists him in taking such birds; and when so taken these may be possessed in the numbers specified as follows:

Ducks. Ten in the aggregate of all kinds including in such limit not more than 1 wood duck, or more than 3 singly or in the aggregate of redheads and buffleheads; and any person at any one time may possess not more than 20 ducks in the aggregate of all kinds but not more than 1 wood duck, nor more than 6 of either or both of redheads or buffleheads.

Geese and brant (except snow geese in Idaho and snow geese and brant in States bordering on the Atlantic Ocean, and Ross' goose). Three in the aggregate of all kinds including blue geese and, in addition, three blue geese, but any person at any one time may possess not more than 6 in the aggregate of all kinds, including blue geese, and 6 additional blue geese, or if no other kinds are included 12 blue geese may be possessed.

In Siskiyou County, California, and Alexander County, Illinois, no person may take more than 3 geese in the aggregate of all kinds during any 7 consecutive days. In Hyde County, North Carolina no person may take more than 6 geese in the aggregate of all kinds during any 7 consecutive days.

Rails and gallinules (except sora and coot). Fifteen in the aggregate of all kinds, and any person at any one time may possess not more than 15 in the aggregate of all kinds.

Sora. Fifteen, and any person at any one time may possess not more than 15.

Coot. Twenty-five, and any person at any one time may possess not more than 25.

Woodcock. Four, and any person at any one time may possess not more than 8.

Mourning or turtle dove and white-winged dove. Twelve in the aggregate of both kinds, and any person at any one time may possess not more than 12 in the aggregate of both kinds.

Band-tailed pigeon. Ten, and any person at any one time may possess not more than 10.

The possession limits hereinbefore prescribed shall apply as well to ducks, geese, brant, rails, including coot and gallinules, woodcocks, mourning or turtle doves, white-winged doves, and band-tailed pigeons taken in Canada, Mexico, or other foreign country and brought into the United States, as to those taken in the United States. (As amended by Proc. No. 2501, Aug. 16, 1941, 6 Fed. Reg. 4234, 55 Stat. —; Proc. No. 2518, Oct. 16, 1941, 6 Fed. Reg. 5303, 55 Stat. —.)

REGULATION 6. SHIPMENT, TRANSPORTATION AND POSSESSION OF CERTAIN MIGRATORY GAME BIRDS

Migratory game birds of a species on which open seasons are prescribed by regulation 4 of these regulations, legally taken, and parts thereof, may be transported in or out of Alaska, subject to regulations under the Alaska Game Law (43 Stat. 739), as amended, Puerto Rico, or the State where taken, during the respective open seasons in Alaska, Puerto Rico, or in that State. Such birds when legally taken in and exported from Canada or Mexico, and if from Mexico when they are accompanied by a Mexican

export permit, may be transported into the United States during the open seasons where killed.

Not more than the number of such birds permitted by regulation 5 of these regulations to be taken by one person in 1 day, or in 2 days in the case of ducks (except wood ducks), geese (1 day in the case of geese taken in Siskiyou County, California, and Alexander County, Illinois), brant, and woodcock, shall be transported by any one person in 1 calendar week out of Alaska, Puerto Rico, or the State where taken or from Canada or Mexico into the United States.

No such birds, or parts thereof, shall be transported from any State, Alaska, Puerto Rico or the District of Columbia to or through another State, Alaska, Puerto Rico or the District of Columbia, or to or through Canada or Mexico contrary to the laws of the place in which they were taken or from, to or through which they were transported, nor shall any such birds be imported into the United States from Canada or Mexico contrary to the laws of the place in which they were taken or from, to or through which they were transported.

Any such birds or parts thereof in transit during the open season may continue in transit such additional time immediately succeeding such open season, not to exceed 5 days, necessary to deliver the same to their destination, and may be possessed in any State, Alaska, Puerto Rico or District during the period constituting the open season where taken, and for an additional period of 20 days next succeeding said open season. Any package in which such birds or parts thereof are transported shall have the name and address of the shipper and of the consignee and an accurate statement of the numbers and kinds of birds or parts thereof contained therein clearly and conspicuously marked on the outside thereof.

Migratory game birds imported from countries other than Canada and Mexico. Migratory game birds of a species on which open seasons are prescribed by regulation 4 of these regulations, legally taken in and exported from a foreign country (other than Canada and Mexico, for which provision is hereinbefore made) may be transported to any State, Alaska or Puerto Rico during the open season prescribed by said regulation 4 for such State, Alaska or Puerto Rico on that species, and to the District of Columbia during the open season so prescribed for Maryland, and may be possessed in such State, Alaska or Puerto Rico for an additional period of 20 days immediately succeeding such open season, by any one person in 1 calendar week in numbers not exceeding those permitted by regulation 5 of these regulations to be taken by one person in 1 day, or in 2 days in the case of ducks (except wood ducks), geese, brants, and woodcocks, if transportation and possession of such birds are not prohibited by such State, Alaska, Puerto Rico or District and if transported in packages marked as hereinbefore provided in this regulation (As amended by Proc No 2501, Aug 16, 1941, 6 Fed. Reg 4234, 55 Stat. —; Proc No 2518, Aug 16, 1941, 6 Fed. Reg 5303, 55 Stat. —.)

HUNTING STAMP TAX

§ 718i. Disposal of surplus stamps.

Hereafter all migratory bird hunting stamps provided for in sections 718–718h of this title not sold at the end of the fiscal year for which issued shall be turned over to the philatelic agency and therein placed on sale until disposed of or until the Congress otherwise provides: *Provided*, That such stamps shall be usable as migratory bird hunting stamps only during the fiscal year for which issued. (June 28, 1941, ch. 259, § 1, 55 Stat. 356.)

Chapter 9.—FISH AND WILDLIFE SERVICE

Sec

752. Exchange of equipment by Service as part payment for other equipment (New).

753. Cooperative work (New).

754. Commutation of rations for officers and crews of vessels of the Service (New).

§ 752. Exchange of equipment by Service as part payment for other equipment.

The Fish and Wildlife Service may exchange motor-propelled and horse-drawn vehicles, tractors, road equipment, boats, aircraft, typewriters, computing or duplicating machines, or parts, accessories, tires, or equipment thereof, in part payment for vehicles, tractors, road equipment, boats, aircraft, typewriters, computing or duplicating machines, or parts, accessories, tires, or equipment thereof. (June 28, 1941, ch. 259, § 1, 55 Stat. 357.)

§ 753. Cooperative work.

Cooperative work conducted by the Fish and Wildlife Service shall be subject to the provisions of sections 563, 564 of Title 5 (June 28, 1941, ch. 259, § 1, 55 Stat. 357)

§ 754. Commutation of rations for officers and crews of vessels of the Service.

Commutation of rations (not to exceed \$1 per man per day) may be paid to officers and crews of vessels of the Fish and Wildlife Service under regulations prescribed by the Secretary of the Interior, and money accruing from commutation of rations on board vessels may be paid on proper vouchers to the persons having charge of the mess of such vessels; and section 75a of Title 5, shall not be construed to require deductions from the salaries of officers and crews of vessels of the Fish and Wildlife Service for quarters and rations furnished on vessels of said Service. (June 28, 1941, ch. 259, § 1, 55 Stat. 357.)

Chapter 12A.—TENNESSEE VALLEY AUTHORITY ACT

Sec.

831c-1 Bridges endangered or damaged by dams, etc; compensation of and contracts with owner for protection, replacement, etc. (New).

§ 831c. Corporate powers generally; eminent domain; construction of dams, transmission lines, etc.

* * * * *

(k) Shall have power in the name of the United States—

(a) to convey by deed, lease, or otherwise, any real property in the possession of or under the control of the Corporation to any person or persons, for the purpose of recreation or use as a summer residence, or for the operation on such premises of pleasure resorts for boating, fishing, bathing, or any similar purpose;

(b) to convey by deed, lease, or otherwise, the possession and control of any such real property to any corporation, partnership, person, or persons for the purpose of erecting thereon docks and buildings for shipping purposes or the manufacture or storage thereon of products for the purpose of trading or shipping in transportation: *Provided*, That no transfer authorized herein in (b) shall be made without the approval of Congress: *And provided further*, That said corporation, without further action of Congress, shall have power to convey by deed, lease, or otherwise, to the Ingalls Shipbuilding Corporation, a tract or tracts of land at or near Decatur, Alabama, and to the Commercial Barge Lines, Inc., a tract or tracts of land at or near Guntersville, Alabama;

(c) to transfer any part of the possession and control of the real estate now in possession of and under the control of said Corporation to any other department, agency, or instrumentality of the United States: *Provided, however*, That no land shall be conveyed, leased, or transferred, upon which there is located any permanent dam, hydroelectric power plant, or munitions plant heretofore or hereafter built by or for the United States or for the Authority, except that this prohibition shall not apply to the transfer of Nitrate Plant Numbered 1, at Muscle Shoals, Alabama, or to Waco Quarry: *And provided further*, That no transfer authorized herein in (a) or (c), except leases for terms of less than twenty years, shall be made without the approval of the President of the United States, if the property to be conveyed exceeds \$500 in value; and

(d) to convey by warranty deed, or otherwise, lands, easements, and rights-of-way to States, counties, municipalities, school districts, railroad companies, telephone, telegraph, water, and power companies, where any such conveyance is necessary in order to replace any such lands, easements, or rights-of-way to be flooded or destroyed as the result of the construction of any dam or reservoir now under construction by the Corporation, or subsequently authorized by Congress, and easements and rights-of-way upon which are located transmission or distribution lines. The Corporation shall also have power to convey or lease Nitrate Plant Numbered 1, at Muscle Shoals, Alabama, and Waco Quarry, with the approval of the War Department and the President. (As amended July 18, 1941, ch. 309, 55 Stat. 599.)

* * * * *

AMENDMENTS

1941—Subsec (k) as added by act Aug 31, 1935 cited to text, was stricken and new subsec (k) inserted in lieu thereof by act July 18, 1941, cited to text

§ 831c-1. Bridges endangered or damaged by dams, etc.; compensation of and contracts with owner for protection, replacement, etc.

Whenever, as the result of the construction of any dam, reservoir, or other improvement under the provisions of this chapter, or amendments thereto, any bridge, trestle, or other highway or railroad structure located over, upon, or across the Tennessee River or any of its navigable tributaries, including approaches, fenders, and appurtenances thereto, is endangered or otherwise adversely affected and damaged, including any interference with or impairment of its use, to the extent that protection, alteration, reconstruction, relocation, or replacement is necessary or proper to preserve its safety or utility or to meet the requirements of navigation or flood control, or both, the owner or owners of such bridge, trestle, or structure shall be compensated by the Tennessee Valley Authority in the sum of the reasonable actual cost of such protection, alteration, reconstruction, relocation, or replacement: *Provided*, That in arriving at the amount of such compensation the bridge owner shall be charged with a sum which shall equal the net value to the owner of any direct and special benefits accruing to the owner from any improvement or addition or betterment of the altered, reconstructed,

relocated, or replaced bridge, trestle, or structure. The Tennessee Valley Authority is empowered to contract with such owner with respect to any such protection, alteration, reconstruction, relocation, or replacement, the payment of the cost thereof and its proper division, which contract may provide either for money compensation or for the performance of all or any part of the work by the Tennessee Valley Authority: *Provided further*, That the payments herein provided for shall be paid out of the earnings of the Authority.

In the event of a failure to agree upon the terms and conditions of any such contract, or upon any default in the performance of any contract entered into pursuant to this section, the bridge owner or the Tennessee Valley Authority shall have the right to bring suit to enforce its rights or for a declaration of its rights under this section, or under any such contract, in the district court of the United States for the district in which the property in question is located. In any such proceeding the court shall apportion the total cost of the work between the Tennessee Valley Authority and the owner in accord with the provisions contained in this section. Any judgment, award, or decree rendered against the Tennessee Valley Authority under this section may be satisfied out of appropriations available for the major project which requires the protection, alteration, reconstruction, relocation, or replacement: *Provided*, That, prior to such alteration, reconstruction, or relocation of said bridges, the location and plans shall be submitted to and approved by the Chief of Engineers and by the Secretary of War in accordance with existing laws. (Nov. 21, 1941, ch. 480, 55 Stat. 773.)

CODIFICATION

Section is not a part of the Tennessee Valley Authority Act.

§ 831h. Annual financial statements; purchases and contracts; audit; accounts.

* * * * *

(c) * * *

The Comptroller General of the United States shall audit the transactions of the Corporation at such times as he shall determine, but not less frequently than once each governmental fiscal year, with personnel of his selection. In such connection he and his representatives shall have free and open access to all papers, books, records, files, accounts, plants, warehouses, offices, and all other things, property, and places belonging to or under the control of or used or employed by the Corporation, and shall be afforded full facilities for counting all cash and verifying transactions with and balances in depositories. He shall make report of each such audit in quadruplicate, one copy for the President of the United States, one for the chairman of the Board, one for public inspection at the principal office of the Corporation, and the other to be retained by him for the uses of the Congress: *Provided*, That such report shall not be made until the Corporation shall have had reasonable opportunity to examine the exceptions and criticisms of the Comptroller General or the General Accounting Office, to point out errors therein, explain or answer the same, and

to file a statement which shall be submitted by the Comptroller General with his report. The expenses for each such audit shall be paid from any appropriation or appropriations for the General Accounting Office, and such part of such expenses as may be allocated to the cost of generating, transmitting, and distributing electric energy shall be reimbursed promptly by the Corporation as billed by the Comptroller General. The Comptroller General shall make special report to the President of the United States and to the Congress of any transaction or condition found by him to be in conflict with the powers or duties entrusted to the Corporation by law. Nothing in this chapter shall be construed to relieve the Treasurer or other accountable officers or employees of the Corporation from compliance with the provisions of existing law requiring the rendition of accounts for adjustment and settlement pursuant to section 71 of Title 31, as amended by section 305 of the Budget and Accounting Act, 1921 (42 Stat. 24), and accounts for all receipts and disbursements by or for the Corporation shall be rendered accordingly: *Provided*, That, subject only to the provisions of this chapter, the Corporation is authorized to make such expenditures and to enter into such contracts, agreements, and ar-

rangements, upon such terms and conditions and in such manner as it may deem necessary, including the final settlement of all claims and litigation by or against the Corporation; and, notwithstanding the provisions of any other law governing the expenditure of public funds, the General Accounting Office, in the settlement of the accounts of the Treasurer or other accountable officer or employee of the Corporation, shall not disallow credit for, nor withhold funds because of, any expenditure which the Board shall determine to have been necessary to carry out the provisions of said chapter.

The Corporation shall determine its own system of administrative accounts and the forms and contents of its contracts and other business documents except as otherwise provided in this chapter. (As amended Nov. 21, 1941, ch. 485, 55 Stat. 775.)

AMENDMENTS

1941—Subsec. (b) was amended by act Nov. 21, 1941, cited to text, which added last paragraph and last sentence of next-to-last paragraph.

REFERENCES IN TEXT

Words "this chapter" where first appearing in last sentence of second paragraph of subsec. (b) read "this Act" in act Nov. 21, 1941, cited to text, probably referring to act May 18, 1933, also cited, which constitutes this chapter.

TITLE 17.—COPYRIGHTS

§ 8. Authors or proprietors, entitled; aliens.

The existence of the reciprocal conditions aforesaid shall be determined by the President of the United States, by proclamation made from time to time, as the purposes of this title may require: *Provided, however,* That all works made the subject of copyright by the laws of the United States first produced or published abroad after August 1, 1914, and before the date of the President's proclamation of peace, of which the authors or proprietors are citizens or subjects of any foreign State or nation granting similar protection for works by citizens of the United States, the existence of which shall be determined by a copyright proclamation issued by the President of the United States, shall be entitled to the protection conferred by the copyright laws of the United States from and after the accomplishment, before the expiration of fifteen months after the date of the President's proclamation of peace, of the conditions and formalities prescribed with respect to such works by the copyright laws of the United States: *Provided further,* That nothing herein contained shall be construed to deprive any person of any right which he may have acquired by the republication of such foreign work in the United States prior to March 4, 1909: *Provided,* That whenever the President shall find that the authors, copyright owners, or proprietors of works first produced or published abroad and subject to copyright or to renewal of copyright under the laws of the United States, including works subject to ad

interim copyright, are or may have been temporarily unable to comply with the conditions and formalities prescribed with respect to such works by the copyright laws of the United States, because of the disruption or suspension of facilities essential for such compliance, he may by proclamation grant such extension of time as he may deem appropriate for the fulfillment of such conditions or formalities by authors, copyright owners, or proprietors who are citizens of the United States or who are nationals of countries which accord substantially equal treatment in this respect to authors, copyright owners, or proprietors who are citizens of the United States: *Provided further,* That no liability shall attach under this title for lawful uses made or acts done prior to the effective date of such proclamation in connection with such works, or in respect to the continuance for one year subsequent to such date of any business undertaking or enterprise lawfully undertaken prior to such date involving expenditure or contractual obligation in connection with the exploitation, production, reproduction, circulation, or performance of any such work.

The President may at any time terminate any proclamation authorized herein or any part thereof or suspend or extend its operation for such period or periods of time as in his judgment the interests of the United States may require. (As amended Sept. 25, 1941, ch. 421, 55 Stat. 732.)

AMENDMENTS

1941—Act Sept. 25, 1941, cited to text, substituted “: *Provided,*” for period at end of fifth paragraph and added the last two paragraphs.

TITLE 18.—CRIMINAL CODE AND CRIMINAL PROCEDURE

Part 1.—CRIMES

Chapter 2.—OFFENSES AGAINST NEUTRALITY

§ 28. (Criminal Code, section 16.) Bonds from armed vessels on clearing.

CROSS REFERENCES

Section inapplicable to certain armed American vessels, see note under former section 446 of Title 22, Foreign Relations and Intercourse.

Chapter 4.—OFFENSES AGAINST OPERATIONS OF GOVERNMENT

§ 106. (Criminal Code, section 52.) Setting fire to timber or other inflammable material on public, etc., lands.

Whoever shall willfully and without authority so to do set on fire or cause to be set on fire any timber, underbrush, or grass or other inflammable material upon the public domain or upon any lands owned or leased by or under the partial, concurrent, or exclusive jurisdiction of the United States which are included in a park, forest, monument, historical park, military park, battlefield site, parkway, recreational area, seashore, lake shore, cemetery, recreational demonstration project, wildlife refuge, grazing district, or stock driveway, or upon any land title to which was revested in the United States under the Act of June 9, 1916 (ch. 137, 39 Stat. 218), or upon any land reconveyed to the United States under the Act of February 26, 1919 (ch. 47, 40 Stat. 1179), or upon any lands owned by the United States and under the jurisdiction of the Forest Service or the Bureau of Animal Industry or administered under sections 1010-1012 of Title 7, or upon any lands under contract for purchase or for the acquisition of which condemnation proceedings have been instituted under sections 480, 500, 513-519, 521, 552, and 563 of Title 16, or sections 1010-1012 of Title 7, or under statutory authority for addition to a park or wildlife refuge or upon any Indian reservation or lands belonging to or occupied by any tribe or group of Indians under authority of the United States, or upon any Indian allotment while the title to the same shall be held in trust by the Government, or while the same shall remain inalienable by the allottee without the consent of the United States, unless an allottee sets or causes to be set any fire in the reasonable exercise of his proprietary rights in the allotment, shall be fined not more than \$5,000 or imprisoned not more than five years, or both. (As amended Nov. 15, 1941, ch. 472, § 1, 55 Stat. 763.)

§ 107. (Criminal Code, section 53.) Failure to extinguish fires built on public, etc., lands.

Whoever shall build a fire or cause a fire to be built in or near any forest, timber, or other inflammable material upon any lands owned, controlled or leased by, or under the partial, concurrent, or exclusive jurisdiction of the United States, including lands under contract for purchase or for the acquisition of which condemnation proceedings have

been instituted under sections 480, 500, 513-519, 521, 552, and 563 of Title 16, or under sections 1010-1012 of Title 7, or under statutory authority for addition to a park or wildlife refuge, any Indian reservation, or lands belonging to or occupied by any tribe or group of Indians under the authority of the United States, or any Indian allotment while the title to the same shall be held in trust by the United States, or while the same shall remain inalienable by the allottee without the consent of the United States, shall, before leaving said fire, totally extinguish the same; and whoever shall neglect and omit totally to extinguish said fire or whoever shall permit or suffer said fire to burn or spread beyond his control or whoever shall leave or suffer said fire to burn unattended in such places, shall be fined not more than \$500 or imprisoned not more than six months without hard labor, or both. (As amended Nov. 15, 1941, ch. 472, § 2, 55 Stat. 764.)

Chapter 5.—OFFENSES RELATING TO OFFICIAL DUTIES

§ 198. (Criminal Code, section 109.) Officers interested in claims against United States.

EXEMPTION OF CERTAIN SELECTIVE SERVICE PERSONNEL

Act May 5, 1941, ch. 85, 55 Stat. 150, as amended Dec. 26, 1941, ch. 628, 55 Stat. 861, provided: "That nothing in sections 109 and 113 of the Criminal Code (U. S. C., title 18, secs. 198 and 203) or in section 190 of the Revised Statutes (U. S. C., title 5, sec. 99) shall be deemed to apply to any person because of his appointment under authority of the Selective Training and Service Act of 1940 (Title 50 Appendix, § 301 et seq.) or the Selective Service Regulations made in pursuance thereof as a member of a local board, a board of appeal, an advisory board for registrants, as a State director, a Government appeal agent, or as an individual to conduct hearings on appeals of persons claiming exemption from combatant training and service because of conscientious objections as provided in section 5 (g) of the Selective Training and Service Act of 1940 (Title 50 Appendix, § 305 (g)); or because of his appointment as a member of an Alien Enemy Hearing Board to assist the Attorney General in the execution of any proclamations heretofore or hereafter issued by the President under the authority of the Alien Enemy Act of 1798 as amended (U. S. C., title 50, secs. 21-24)."

§ 203. (Criminal Code, section 113.) Receiving pay by Member of Congress in matters affecting United States; retired officers of armed forces.

CROSS REFERENCES

Exemption of certain Selective Service personnel, see note under section 198 of this title.

Chapter 9.—OFFENSES AGAINST FOREIGN AND INTERSTATE COMMERCE

Sec.

- 419a. Definitions respecting cattle thefts (New).
- 419b. Transportation of stolen cattle in interstate or foreign commerce (New).
- 419c. Same; penalties for receiving, etc. (New).
- 419d. Same; jurisdiction of offense (New).

§ 396a. Transportation or importation of convict-made goods; prohibition; penalty; exceptions.

Whoever shall knowingly transport or knowingly cause to be transported in interstate commerce, in

any manner or by any means whatsoever, or aid or assist, knowingly, in obtaining transportation for or in transporting any goods, wares, and merchandise manufactured, produced, or mined, wholly or in part by convicts or prisoners (except convicts or prisoners on parole or probation) or in any penal or reformatory institution, from one State, Territory, Puerto Rico, Virgin Islands, or District of the United States, or place noncontiguous but subject to the jurisdiction thereof, or from any foreign country, into any State, Territory, Puerto Rico, Virgin Islands, or District of the United States, or place noncontiguous but subject to the jurisdiction thereof, shall be punished by a fine of not more than \$1,000 or by imprisonment of not more than one year, or both: *Provided*, That nothing herein shall apply to commodities manufactured in Federal or District of Columbia penal and correctional institutions for use by the Federal Government or the District of Columbia Government or to commodities manufactured in any State penal or correctional institution for use by any other State, or States, or political subdivisions thereof; to parts for the repair of farm machinery; or to agricultural commodities: *Provided further*, That this section shall go into effect one year after its approval by the President. (As amended July 9, 1941, ch. 283, 55 Stat. 581.)

AMENDMENTS

1941—Words "or the District of Columbia Government" were inserted after "Federal Government" in first proviso by act July 9, 1941, cited to text

§ 413. National Stolen Property Act; citation.

REPEAL

Section 6 of act Aug. 18, 1941, ch. 366, 55 Stat. 632, provided nothing contained in sections 419a-419d should be construed to repeal, modify, or amend any part of sections 413-419 of this title.

§ 419a. Definitions respecting cattle thefts.

When used in sections 419a-419d of this title—

(a) The term "cattle" shall mean one or more bulls, steers, oxen, cows, heifers, or calves, or the carcass or carcasses of one or more bulls, steers, oxen, cows, heifers, or calves.

(b) The term "interstate or foreign commerce" shall include transportation from one State, Territory, or the District of Columbia, to another State, Territory, or the District of Columbia, or to a foreign country, or from a foreign country to any State, Territory, or the District of Columbia. (Aug. 18, 1941, ch. 366, § 2, 55 Stat. 631.)

NATIONAL CATTLE THEFT ACT

Section 1 of act Aug. 18, 1941, cited to text, designated sections 419a-419d of this title and section 6 of said act, set out as note hereunder, as the "National Cattle Theft Act."

REPEAL OF "NATIONAL STOLEN PROPERTY ACT"

Section 6 of act Aug. 18, 1941, cited to text, provided: "Sec. 6. Nothing herein shall be construed to repeal, modify, or amend any part of the National Stolen Property Act (sections 413-419 of this title)."

§ 419b. Transportation of stolen cattle in interstate or foreign commerce.

Whoever shall transport or cause to be transported in interstate or foreign commerce any cattle, knowing the same to have been stolen, shall be punished by a

fine of not more than \$5,000 or by imprisonment for not more than five years, or both. (Aug. 18, 1941, ch. 366, § 3, 55 Stat. 631.)

CROSS REFERENCES

National Cattle Theft Act, see note under section 419a of this title.

§ 419c. Same; penalties for receiving, etc.

Whoever shall receive, conceal, store, barter, buy, sell, or dispose of any cattle, moving in or constituting a part of interstate or foreign commerce, knowing the same to have been stolen, shall be punished by a fine of not more than \$5,000 or by imprisonment for not more than five years, or both. (Aug. 18, 1941, ch. 366, § 4, 55 Stat. 632.)

CROSS REFERENCES

National Cattle Theft Act, see note under section 419a of this title.

§ 419d. Same; jurisdiction of offense.

Any person violating section 419b of this title may be prosecuted in any district from, into, or through which such cattle has or have been transported or removed. (Aug. 18, 1941, ch. 366, § 5, 55 Stat. 632.)

CROSS REFERENCES

National Cattle Theft Act, see note under section 419a of this title.

Chapter 12.—PIRACY AND OTHER OFFENSES
UPON SEAS

Sec.

503. Carrying or possessing on board certain vessels explosives or dangerous weapons (New).

504. Same; exceptions (New).

§ 502. Injuring vessels engaged in foreign commerce.

CROSS REFERENCES

Seizure of foreign vessels during national emergency, see note preceding section 1101 of this title.

§ 503. Carrying or possessing on board certain vessels explosives or dangerous weapons.

Any person who brings, carries, or has in his possession any dangerous weapon, instrument, or device, or any dynamite, nitroglycerine, or other explosive article or compound on board of any vessel registered, enrolled, or licensed under the laws of the United States, or any vessel purchased, requisitioned, chartered, or taken over by the United States pursuant to the provisions of Act June 6, 1941, ch. 114, 55 Stat. 189, without previously obtaining the permission of the owner or the master of such vessel, or any person who brings, carries, or has in his possession any such weapon or explosive on board of any vessel in the possession and under the control of the United States or which has been seized and forfeited by the United States or upon which a guard has been placed by the United States pursuant to the provisions of sections 191-194 of Title 50, without previously obtaining the permission of the captain of the port in which such vessel is located, shall, upon conviction, be imprisoned not more than one year or fined not more than \$1,000, or both. (Dec. 31, 1941, ch. 642, § 1, 55 Stat. 876.)

APPLICATION TO SECTION 170 OF TITLE 46

Section 3 of act Dec. 31, 1941, ch. 642, cited to text, provided: "Nothing in this Act (sections 503, 504 of this title) shall be construed to alter, amend, or repeal any provi-

sion of section 4472 of the Revised Statutes of the United States, as amended (section 170 of Title 46)."

REFERENCES IN TEXT

Act June 6, 1941, ch. 114, 55 Stat. 189, is set out as note preceding section 1101 of Title 46, Shipping

§ 504. Same; exceptions.

The provisions of sections 503, 504 of this title shall not apply to the personnel of the armed forces of the United States or to officers or employees of the United States or of a State or of a political subdivision thereof, while acting in the performance of their duties, who are authorized by law or by rules or regulations to own or possess any such weapon or explosive. (Dec. 31, 1941, ch. 642, § 2, 55 Stat. 876.)

CROSS REFERENCES

Application to section 170 of Title 46, see note under section 503.

Chapter 13.—CERTAIN OFFENSES IN TERRITORIES, DISTRICT, OR INSULAR POSSESSION

Sec

518a. Prostitution near military and naval establishments unlawful; powers of authorities (New).

§ 518a. Prostitution near military and naval establishments unlawful; powers of authorities.

Until May 15, 1945, it shall be unlawful, within such reasonable distance of any military or naval camp, station, fort, post, yard, base, cantonment, training or mobilization place as the Secretaries of War and/or Navy shall determine to be needful to the efficiency, health, and welfare of the Army and/or Navy, and shall designate and publish in general orders or bulletins, to engage in prostitution or to aid or abet prostitution or to procure or solicit for the purposes of prostitution, or to keep or set up a house of ill fame, brothel, or bawdy house, or to receive any person for purposes of lewdness, assignation, or prostitution into any vehicle, conveyance, place, structure, or building, or to permit any person to remain for the purpose of lewdness, assignation, or prostitution in any vehicle, conveyance, place, structure, or building or to lease, or rent, or contract to lease or rent any vehicle, conveyance, place, structure, or building, or part thereof, knowing or with good reason to know that it is intended to be used for any of the purposes herein prohibited; and any person, corporation, partnership, or association violating the provisions of this section shall, unless otherwise punishable under the Articles of War or the Articles for the Government of the Navy, be deemed guilty of a misdemeanor and be punished by a fine of not more than \$1,000, or by imprisonment for not more than one year, or by both such fine and imprisonment, and any person subject to military or naval law violating this section shall be punished as provided by the Articles of War or the Articles for the Government of the Navy, and the Secretaries of War and of the Navy and the Federal Security Administrator are each hereby authorized and directed to take such steps as they deem necessary to suppress and prevent the violation thereof, and to accept the cooperation of the authorities of States and their counties, districts, and other political subdivisions in carrying out the purposes of this

section: *Provided*, That nothing in this section shall be construed as conferring on the personnel of the War or Navy Department or the Federal Security Agency any authority to make criminal investigations, searches, seizures, or arrests of civilians charged with violations of this section. (July 11, 1941, ch. 287, 55 Stat. 583.)

CROSS REFERENCES

Articles for the Government of the Navy, see section 1200 et seq. of Title 34, Navy

Articles of War, see section 1471 et seq. of Title 10, Army.

§ 521. (Criminal Code, section 321.) Same; "pugilistic encounter" defined; applicable to Alaska and Hawaii.

By the terms "pugilistic encounter", as used in section 520 of this title, is meant any voluntary fight by blows by means of fists or otherwise, whether with or without gloves, between two or more men, for money or for a prize of any character, or for any other thing of value, or for any championship, or upon the result of which any money or anything of value is bet or wagered, or to see which any admission fee is directly or indirectly charged. Nothing in this section or in section 520 of this title shall be held to prohibit any pugilistic encounter in the Territory of Hawaii or the Territory of Alaska, in conformity with the laws of the respective Territories, if (1) the contestants use gloves not less than five ounces each in weight, (2) such encounter is not held on Sunday and does not consist of more than ten rounds of a duration of more than three minutes each with an interval of one minute between each round and the succeeding round, and (3) each contestant is over eighteen years of age and, one hour prior to such encounter, has been examined by a licensed physician, who shall certify in writing to the referee of such encounter that such contestant is physically fit to engage therein. In the case of championship bouts, the limitation on the number of rounds shall be fifteen in lieu of ten. (As amended Dec. 22, 1941, ch. 618, 55 Stat. 853.)

AMENDMENTS

1941—Act Dec 22, 1941, cited to text, added last sentence to section.

Part 2.—CRIMINAL PROCEDURE

Chapter 17.—ARREST, BAIL, AND COMMITMENT

§ 591. Arrest and removal for trial.

CROSS REFERENCES

Extradition to and from the Canal Zone, see section 1330-1 of Title 48, Territories and Insular Possessions.

Chapter 19.—FINES, PENALTIES, AND FORFEITURES

§ 647. Use of confiscated motor vehicles.

REPEATED.—Act May 31, 1941, ch. 156, title I, § 1, 55 Stat. 220.

Chapter 21A.—RULES OF CRIMINAL PROCEDURE

Sec.

689. Proceedings to punish for criminal contempt of court; application to sections 687 and 688 (New).

§§ 687, 688.

CROSS REFERENCES

Extension to proceedings to punish for criminal contempt of court, see section 689 of this title.

§ 689. Proceedings to punish for criminal contempt of court; application to sections 687 and 688.

The provisions of sections 687 and 688 of this title are hereby extended to proceedings to punish for criminal contempt of court. (Nov. 21, 1941, ch. 492, 55 Stat. 779.)

RULES OF CRIMINAL PROCEDURE AFTER PLEA OF GUILTY, VERDICT OR FINDING OF GUILT

RULE 5—SUPERSEDEAS

An appeal from a judgment of conviction stays the execution of the judgment, unless the defendant pending his appeal shall elect to enter upon the service of his sentence. The trial court or the circuit court of appeals may stay the execution of any sentence to pay a fine or fine and costs upon such terms as it may deem proper. It may require the defendant pending the appeal to pay to the clerk in escrow the whole or any part of such fine and costs, to submit to an examination as to his assets, or to give a supersedeas bond, and it may likewise make any appropriate order to restrain the defendant from dissipating his assets and thereby preventing the collection of such fine. (As amended Oct. 21, 1940.)

RULE 13—(DEFINITIONS; COMPUTATION OF TIME)

CHANGE OF NAME

Act June 1, 1934, ch. 426, 48 Stat. 936, changed the name of the Court of Appeals of the District of Columbia to United States Court of Appeals for the District of Columbia.

Part 3.—PRISONERS AND THEIR TREATMENT

Chapter 22.—GENERAL PROVISIONS

§ 725-1. Same; compensation of probation officers.

The salary of no probation officer shall be less than \$1,800 per annum nor more than \$3,600 per annum. (As amended June 28, 1941, ch. 258, title IV, 55 Stat. 300.)

AMENDMENTS

1941—Act June 28, 1941, cited to text, substituted "\$3,600" for "\$3,200."

§ 726a. Same; transportation expenses of probation officers.

REPEATED.—Act June 28, 1941, ch. 258, title IV, 55 Stat. 302.

Chapter 23.—UNITED STATES PRISONS IN GENERAL

Sec.

746a. Transportation and subsistence for discharged prisoner to place of arrest or residence (New).

746b. Transportation and subsistence for prisoners on probation (New)

§ 746a. Transportation and subsistence for discharged prisoner to place of arrest or residence.

On the release from custody of any person who has been arrested on a charge of violating any law of the United States or of the Territory of Alaska, and who has not been convicted of such charge, other than a person admitted to bail, the court having jurisdiction of the trial of the case, includ-

ing cases where arrests have been made and no indictment returned, in its discretion may direct the United States marshal for the district wherein he is released, pursuant to regulations that may be promulgated by the Attorney General, to furnish the person so released with transportation and subsistence to the place of his arrest or, at his election, to the place of his bona fide residence if the cost of transportation and subsistence to such place of residence is not greater than to the place of arrest. (July 3, 1926, ch. 795, § 2, as added June 21, 1941, ch. 212, 55 Stat. 254.)

§ 746b. Transportation and subsistence for prisoners on probation.

When a court of the United States places a defendant on probation, the court may direct the United States marshal to furnish the defendant with transportation to the place to which the defendant is required to proceed under the terms of his probation and, in addition, may also direct the marshal to furnish the defendant with an amount of money, not to exceed \$20, for subsistence expense to his destination. In such event, such expenses shall be paid by the marshal. (July 3, 1926, ch. 795, § 3, as added June 21, 1941, ch. 212, 55 Stat. 254.)

§ 753f. Commitment of persons by any court of the United States and the juvenile court of the District of Columbia; place of confinement; transfers.

All persons convicted of an offense against the United States shall be committed, for such terms of imprisonment as the court may direct, to the custody of the Attorney General of the United States or his authorized representative, who shall designate the places of confinement where the sentences of all such persons shall be served: *Provided*, That any sentence of imprisonment for an offense punishable by imprisonment for a term of one year or less shall not be served in a penitentiary except with the defendant's consent. The Attorney General may designate any available, suitable, and appropriate institutions, whether maintained by the Federal Government or otherwise, or whether within or without the judicial district in which the person was convicted. The Attorney General is also authorized to order the transfer of any person held under authority of any United States statute from one institution to another if in his judgment it shall be for the well-being of the prisoner or relieve overcrowded or unhealthful conditions in the institution where such prisoner is confined or for other reasons. The authority conferred upon the Attorney General by this section shall extend to persons committed to the National Training School for Boys, by the juvenile court of the District of Columbia, as well as to those committed by any court of the United States. (As amended June 14, 1941, ch. 204, 55 Stat. 252; Oct. 21, 1941, ch. 453, 55 Stat. 743.)

AMENDMENTS

1941—Act June 14, 1941, cited to text, omitted words "and to such types of institutions" following "imprisonment" in first sentence, added proviso thereto, and inserted words "the person was" before "convicted" in second sentence.

Act Oct. 21, 1941, cited to text, added last sentence.

TITLE 19.—CUSTOMS DUTIES

Chapter 1.—COLLECTION DISTRICTS, PORTS, AND OFFICERS

§ 2. Rearrangement and limitation of districts; changing locations.

CUSTOMS—COLLECTION DISTRICTS AND PORTS OF ENTRY

LIST OF CUSTOMS DISTRICTS, HEADQUARTERS, AND PORTS OF ENTRY

District No. 1—Maine and New Hampshire Boundary: The State of Maine and the State of New Hampshire except the County of Coos. Ports of entry: PORTLAND, MAINE, Bangor, Bar Harbor (including Mt Desert Island, the city of Ellsworth, and the townships of Hancock Sullivan, Sorrento, Gouldsboro, and Winter Harbor), Bath (including Boothbay and Wiscasset), Belfast (including Searsport), Bridgewater, Calais (including townships of Calais, Robinson and Barring), Eastport (including Lubec and Cutler), Fort Fairfield, Fort Kent, Holeb-Jackman, Houlton, Jonesport (including towns (townships) of Beals, Jonesboro, Roque Bluffs, and Machiasport, Me.), Limestone, Madawaska, Portsmouth, N. H. (including Kittery, Me.), Rockland, Van Buren, Vanceboro As amended Ex Ord No 8695, Feb 25, 1941, eff. on 30th day following Feb 25, 1941, 6 Fed Reg 1187

District No 26—Arizona Boundary: The State of Arizona. Ports of entry. NOGALES, Douglas, Naco, San Luis Sasabe, Sonoyta. As amended Ex Ord No 8624, Dec 31, 1940, 6 Fed Reg 13, eff Jan 1, 1941

District No 30—Washington Boundary: The State of Washington except that part which embraces the waters of the Columbia River and the north bank of the said river west of 119° west longitude Ports of entry: SEATTLE, Aberdeen, Anacortes, Bellingham, Blaine, Danville, Everett, Ferry, Friday Harbor, Laurier, Lynden, Metaline Falls, Nighthawk, Northport, Olympia, Oroville Port Angeles, Port Townsend, South Bend, Spokane, Sumas, Tacoma As amended Ex Ord No 8654, Jan. 29, 1941, 6 Fed Reg 705, eff Jan 31, 1941

District No. 31—Alaska. Boundary: The Territory of Alaska. Ports of entry: JUNEAU, Cordova, Craig Eagle, Fairbanks, Hyder, Ketchikan, Petersburg, Sitka, Skagway, Wrangell. As amended Ex Ord No. 8639, Jan 14, 1941, 6 Fed Reg 455 eff Jan 15, 1941

District No. 34—Dakota Boundary: The States of North and South Dakota and the county of Kittson in the State of Minnesota. Ports of entry: PEMBINA, N DAK., Ambrose, N. Dak., Antler, N. Dak., Carbury, N. Dak. Crosby, N. Dak., Dunseith, N. Dak., Fortuna, N. Dak., Hannah, N. Dak., Hansboro, N. Dak., Maida, N. Dak., Neche, N. Dak., Noonan, N. Dak., Northgate, N. Dak., Noyes, Minn., Portal, N. Dak., Sarles, N. Dak., Sherwood, N. Dak. St. John, N. Dak., Walhalla, N. Dak., Westhope, N. Dak. As amended by Ex. Ord. No. 8815, 6 Fed Reg. 3265, eff. the thirtieth day after July 5, 1941.

District No. 38—Michigan. Boundary: The State of Michigan except the island of Isle Royale and the city of Menominee, Mich. Ports of entry: DETROIT, Bay City, Cheboygan, Muskegon, Port Huron, Saginaw, Sault Ste Marie, South Haven. As amended Ex. Ord. No. 8845, Aug 8, 1941, 6 Fed. Reg. 4069, eff. thirty days from Aug 8, 1941.

AIRPORTS OF ENTRY

Port Angeles Airport, Port Angeles, Washington, designation as airport of entry was revoked by T. D. 50262, eff Oct. 30, 1940

§ 64. Laws imposing fines applicable to persons acting under customs laws.

All Acts and parts of Acts imposing fines, penalties, or other punishment for offenses committed by an internal revenue officer or other officer of the Department of the Treasury of the United States, or under any bureau thereof, shall apply to all persons whomsoever, employed, appointed, or acting under the authority of any customs law, or any revenue provision of any law of the United States, when such persons are designated or acting as officers or deputies, or persons having the custody or disposition of any public money. (Feb. 8, 1875, ch. 36, § 23, 18 Stat. 312)

§ 66. Rules and forms prescribed by Secretary.

The Secretary of the Treasury shall prescribe forms of entries, oaths, bonds, and other papers, and rules and regulations not inconsistent with law, to be used in carrying out the provisions of law relating to raising revenue from imports, or to duties on imports, or to warehousing, and shall give such directions to collectors and prescribe such rules and forms to be observed by them as may be necessary for the proper execution of the law. (R. S. § 251.)

Chapter 2.—THE TARIFF COMMISSION

§§ 91–107. United States Tariff Commission.

Subject matter of section 105 now appears in section 1335 of this title

Chapter 3.—THE TARIFF AND RELATED PROVISIONS

SUBTITLE III.—SPECIAL PROVISIONS

PAYMENT OF DUTY

§ 193. Certified checks; receivable for all public dues; lien for payment of.

It shall be lawful for collecting officers to receive certified checks drawn on National and State banks and trust companies, during such time and under such regulations as the Secretary of the Treasury may prescribe, in payment for duties on imports, and all public dues, including special customs deposits. No person, however, who may be indebted to the United States on account of duties on imports who shall have tendered a certified check or checks as provisional payment for such duties or taxes, in accordance with the terms of this section, shall be released from the obligation to make ultimate payment thereof until such certified check so received has been duly paid; and if any such check so received is not duly paid by the bank on which

it is drawn and so certifying the United States shall, in addition to its right to exact payment from the party originally indebted therefor, have a lien for the amount of such check upon all the assets of such bank; and such amount shall be paid out of its assets in preference to any or all other claims whatsoever against said bank, except the necessary costs and expenses of administration and the reimbursement of the United States for the amount expended in the redemption of the circulating notes of such bank. (Mar. 2, 1911, ch. 191, § 1, 36 Stat. 965; Mar. 3, 1913, ch. 119, 37 Stat. 733.)

SUBTITLE IV.—CUSTOMS ADMINISTRATION

ADMINISTRATIVE PROVISIONS

PART 2.—REPORT, ENTRY, AND UNLOADING OF VESSELS AND VEHICLES

§ 288. Enrolled or licensed vessels.

Enrolled or licensed vessels engaged in the foreign and coasting trade on the northern, northeastern, and northwestern frontiers of the United States, departing from or arriving at a port in one district to or from a port in another district, and also touching at intermediate foreign ports, shall not thereby become liable to the payment of entry and clearance fees, as if from or to foreign ports; but such vessel shall, notwithstanding, be required to enter and clear; except that when such vessels are on such voyages on the Great Lakes and touch at foreign ports for the purpose of taking on bunker fuel only, they may be exempted from entering and clearing under such rules and regulations as the Secretary of Commerce may prescribe, notwithstanding any other provisions of law: *Provided*, That this exception shall not apply to such vessels if, while at such foreign port, they land or take on board any passengers, or any merchandise other than bunker fuel, receive orders, discharge any seamen by mutual consent, or engage any seamen to replace those discharged by mutual consent, or transact any other business save that of taking on bunker fuel. (As amended Sept. 25, 1941, ch. 423, 55 Stat. 733.)

AMENDMENTS

1941—Act Sept. 25, 1941, cited to text, added exception and proviso at end of section.

Chapter 4.—TARIFF ACT OF 1930

SUBTITLE III.—SPECIAL PROVISIONS

PART III.—PROMOTION OF FOREIGN TRADE

Sec.

1355. Importation of coffee under Inter-American Coffee Agreement; prohibition against violating Agreement (New).
1356. Same; quotas for non-participating countries; rules and regulations (New)

SUBTITLE III.—SPECIAL PROVISIONS

PART I.—MISCELLANEOUS

§ 1309. Supplies for certain vessels and aircraft—(a) Exemption from customs duties and internal-revenue tax.

Articles of foreign or domestic manufacture or production may, under such regulations as the Secretary of the Treasury may prescribe, be withdrawn

from bonded warehouses, bonded manufacturing warehouses, or continuous customs custody elsewhere than in a bonded warehouse free of duty or internal-revenue tax, or from any internal revenue bonded warehouse, from any brewery, or from any winery premises or bonded premises for the storage of wine, free of internal revenue tax for supplies (not including equipment) of vessels of war, in ports of the United States, of any nation which may reciprocate such privilege toward the vessels of war of the United States in its ports, or for supplies (not including equipment) of vessels employed in the fisheries or in the whaling business, or actually engaged in foreign trade or trade between the Atlantic and Pacific ports of the United States or between the United States and any of its possessions, or for supplies (not including equipment) of aircraft registered in the United States and actually engaged in foreign trade or trade between the United States and any of its possessions, or for supplies (including equipment), maintenance, or repair of aircraft registered in any foreign country and actually engaged in foreign trade or trade between the United States and any of its possessions, where such trade by foreign aircraft is permitted. (As amended July 22, 1941, ch. 314, § 3, 55 Stat. 602.)

* * * * *

AMENDMENTS

1941—Subsec. (a) was amended by act July 22, 1941, cited to text, which inserted after the words "internal revenue tax" the words "or from any internal revenue bonded warehouse, * * * free of internal revenue tax."

PART III.—PROMOTION OF FOREIGN TRADE

§ 1351. Foreign-trade agreements.

Trade Agreements

[Supplemented to December 23, 1941]

Country	Date Signed	Effective Date
Argentina.....	Oct. 14, 1941	Nov. 15, 1941
Cuba.....	Dec. 23, 1941	Jan. 5, 1942

Argentina—Agreement became provisionally effective November 15, 1941, to be in full force thirty days after the exchange of the instrument of ratification of the Argentine Government and the proclamation of agreement by the President of the United States. It will remain in force until November 15, 1944, and may continue in force indefinitely thereafter.

Cuba—Supplements and amends agreements signed August 24, 1934, and December 18, 1939.

§ 1355. Importation of coffee under Inter-American Coffee Agreement; prohibition against violating Agreement.

On and after the entry into force of the Inter-American Coffee Agreement, as proclaimed by the President, and during the continuation in force of the obligations of the United States thereunder, no coffee imported from any foreign country may be entered for consumption except as provided in the said agreement. (Apr. 11, 1941, ch. 59, § 1, 55 Stat. 133.)

ENTRY INTO FORCE OF AGREEMENT

The President, in the unnumbered proclamation of April 15, 1941, 55 Stat. —, did thereby "proclaim that the said

Inter-American Coffee Agreement, signed on November 28, 1940, will enter into force on April 16, 1941, in respect of the obligations of the United States of America thereunder, including the limitation of entries for consumption of coffee from any foreign country or countries to the quotas therein provided for."

POLICY CLAUSES

Res. Apr. 11, 1941, cited to text, contained the following "whereas" clauses preceding the resolving clause:

"Whereas an Inter-American Coffee Agreement was signed at Washington on November 28, 1940, by representatives of the Governments of the United States of America, Brazil, Columbia, Costa Rica, Cuba, the Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Peru, and Venezuela; and

"Whereas the said agreement contemplates the cooperation of the Government of the United States in a joint effort to promote the orderly marketing of coffee in international trade, with a view to assuring equitable terms for both producers and consumers by adjusting supply to demand."

CODIFICATION

Section is not a part of the Tariff Act of 1930.

§ 1356. Same; quotas for non-participating countries; rules and regulations.

The President is authorized to make such allocations of the quota provided in the agreement for countries not participating in the said agreement as he finds necessary or appropriate in order to afford any such country or countries an opportunity to supply a fair share of the quota, whether or not required by any international obligation of the United States, or in order to make available the types of coffee usually consumed in the United States. The President is also authorized to make such rules and regulations as he finds necessary or appropriate to carry out the provisions of this section and section 1355 of this title and of the said agreement, and with respect to any provision of such regulations for any act or performance by an importer of coffee, compliance therewith shall be a condition to the entry for consumption of the coffee in respect of which the act or performance is required. (Apr. 1, 1941, ch. 59, § 2, 55 Stat. 134.)

CODIFICATION

Section is not a part of the Tariff Act of 1930.

TITLE 20.—EDUCATION

Chapter 12.—FOREIGN STUDENTS

§ 221. Instruction of citizens from American republics.

The President be, and he hereby is, authorized, in his discretion and under such regulations as he may prescribe by Executive order, to permit citizens of the American republics to receive instruction, with or without charge therefor, at professional educational institutions and schools maintained and administered by the Government of the United States or by departments or agencies thereof: *Provided*, That such citizens shall agree to comply with all regulations for the government of the institutions and schools at which they may be under instruction and to exert every effort to accomplish successfully the courses of instruction prescribed: *And provided further*, That the regulations prescribed by the President under the authority of this section shall

contain provisions limiting the admission of citizens of the American republics to primary schools maintained and administered by the Government of the United States so that there will under no circumstances be any curtailment of the admission of citizens of the United States eligible to receive instruction therein and not more than one citizen of any American republic shall receive instruction at the same time in the United States Military Academy. (As amended July 14, 1941, ch. 292, 55 Stat. 589.)

AMENDMENTS

1941—Prior to amendment by act July 14, 1941, section contained an additional provision that not more than one citizen of any American republic should receive instruction at the same time in the Naval Academy. Present provisions on this subject are set out in section 1036-1 of Title 34, Navy.

TITLE 21.—FOOD AND DRUGS

Chapter 2.—TEAS

§ 46a. Deposit of fee before examination of tea.

On and after July 1, 1940, no tea, or merchandise described as tea, shall be examined for importation into the United States, or released by the Collector, under sections 41–50 of this title unless the importer or consignee of such tea or merchandise, prior to such examination, has paid for deposit into the Treasury of the United States as miscellaneous receipts, a fee of 3.5 cents for each hundred weight or fraction thereof of such tea and merchandise. (As amended July 1, 1941, ch. 269, title II, 55 Stat. 478.)

AMENDMENTS

1941—Act July 1, 1941, cited to text, reenacted section without change.

Chapter 4.—ANIMALS, MEATS, AND MEAT AND DAIRY PRODUCTS

PREVENTION OF INTRODUCTION AND SPREAD OF CONTAGION

§ 129. Payment for animals purchased; computation of value, and amount paid.

REPEATED.—Act July 1, 1941, ch. 267, § 1, 55 Stat. 418.

Chapter 6.—NARCOTIC DRUGS

IMPORTATION OR EXPORTATION

Sec.

184a. Presence of narcotic drugs on board United States vessels on foreign voyage (New).

IMPORTATION OR EXPORTATION

§ 184a. Presence of narcotic drugs on board United States vessels on foreign voyage.

Whoever brings on board, or has in his possession or control on board, any vessel of the United States, while engaged on a foreign voyage, any narcotic drug not constituting a part of the cargo entered in the manifest or part of the ship stores, shall be fined not more than \$5,000 or be imprisoned for not more than five years, or both.

(b) As used in subsection (a) "narcotic drug" means any narcotic drug as now or hereafter defined by sections 171–185 of this title, or any substance in respect of which a tax is imposed pursuant to chapter 23 of Title 26, as amended, or pursuant to any regulations thereunder. (July 11, 1941, ch. 289, § 1, 55 Stat. 584.)

CODIFICATION

This section is not a part of the Narcotic Drugs Import and Export Act.

EFFECTIVE DATE

Section 2 of act July 11, 1941, cited to text, provided as follows: "Sec. 2. This Act shall take effect thirty days after the date of its enactment."

Chapter 9.—FEDERAL FOOD, DRUG, AND COSMETIC ACT

SUBCHAPTER V.—DRUGS AND DEVICES

Sec.

356. Certification of drugs containing insulin (New).

SUBCHAPTER III.—PROHIBITED ACTS AND PENALTIES

§ 331. Prohibited acts.

(i) Forging, counterfeiting, simulating, or falsely representing, or without proper authority using any mark, stamp, tag, label, or other identification device authorized or required by regulations promulgated under the provisions of section 344, 346 (b), 354, 356, or 364. (As amended Dec. 22, 1941, ch. 613, § 1, 55 Stat. 851.)

AMENDMENTS

1941—Subsec. (i) was amended by act Dec. 22, 1941, cited to text, which inserted reference to section 356.

SUBCHAPTER V.—DRUGS AND DEVICES

§ 352. Misbranded drugs and devices.

(k) Insulin not properly certified.

If it is, or purports to be, or is represented as a drug composed wholly or partly of insulin, unless (1) it is from a batch with respect to which a certificate or release has been issued pursuant to section 356, and (2) such certificate or release is in effect with respect to such drug. (As amended Dec. 22, 1941, ch. 613, § 2, 55 Stat. 851.)

AMENDMENTS

1941—Subsec. (k) was added by act Dec. 22, 1941, cited to text.

§ 356. Certification of drugs containing insulin.

(a) The Federal Security Administrator, pursuant to regulations promulgated by him, shall provide for the certification of batches of drugs composed wholly or partly of insulin. A batch of any such drug shall be certified if such drug has such characteristics of identity and such batch has such characteristics of strength, quality, and purity, as the Administrator prescribes in such regulations as necessary to adequately insure safety and efficacy of use, but shall not otherwise be certified. Prior to the effective date of such regulations the Administrator, in lieu of certification, shall issue a release for any batch which, in his judgment, may be released without risk as to the safety and efficacy of its use. Such release shall prescribe the date of its expiration and other conditions under which it shall cease to be effective as to such batch and as to portions thereof.

(b) Regulations providing for such certification shall contain such provisions as are necessary to

carry out the purposes of this section, including provisions prescribing (1) standards of identity and of strength, quality, and purity; (2) tests and methods of assay to determine compliance with such standards, (3) effective periods for certificates, and other conditions under which they shall cease to be effective as to certified batches and as to portions thereof; (4) administration and procedure; and (5) such fees, specified in such regulations, as are necessary to provide, equip, and maintain an adequate certification service. Such regulations shall prescribe no standard of identity or of strength, quality, or purity for any drug different from the standard of identity, strength, quality, or purity set forth for such drug in an official compendium.

(c) Such regulations, insofar as they prescribe tests or methods of assay to determine strength,

quality, or purity of any drug, different from the tests or methods of assay set forth for such drug in an official compendium, shall be prescribed, after notice and opportunity for revision of such compendium, in the manner provided in the second sentence of section 351 (b). The provisions of subsections (e), (f), and (g) of section 371 shall be applicable to such portion of any regulation as prescribes any such different test or method, but shall not be applicable to any other portion of any such regulation. (June 25, 1938, ch. 675, § 506, as added Dec. 22, 1941, ch. 613, § 3, 55 Stat. 851.)

REGULATIONS

Section 4 of act Dec. 22, 1941, cited to text, provided as follows: "Regulations initially prescribed under * * * [Title 21, § 356] shall be promulgated and made effective within forty-five days after the date of enactment of this Act."

TITLE 22.—FOREIGN RELATIONS AND INTERCOURSE

Chapter 1.—DIPLOMATIC AND CONSULAR SERVICE GENERALLY

DIPLOMATIC OFFICERS GENERALLY

Sec.

41. Ambassador or minister unable to serve because of emergent conditions abroad; appointment as Foreign Service officer; compensation (New)

GENERAL PROVISIONS COMMON TO DIPLOMATIC AND TO CONSULAR OFFICERS

136. Temporary assignment of American citizens in Foreign Service to Department of State during national emergency (New)

ORGANIZATION OF FOREIGN SERVICE OF UNITED STATES

- § 17. Ordering personnel to United States on statutory leave; traveling expenses; duties while on leave.

The Secretary of State is authorized, whenever he deems it to be in the public interest, to order to the United States on his statutory leave of absence any Foreign Service officer or American employee who has performed three years or more of continuous service abroad: *Provided*, That the expenses of transportation and subsistence of such officers and employees and their immediate families, in traveling from their posts to their homes in the United States and return, shall be paid under the same rules and regulations applicable in the case of officers and employees going to and returning from their posts under orders of the Secretary of State when not on leave: *And provided further*, That while in the United States the services of such officers and employees shall be available for trade conference work or for such duties in the Department of State as the Secretary of State may prescribe, but the time of such work or duties shall not be counted as leave. (As amended Mar. 17, 1941, ch. 20, 55 Stat. 44.)

- § 21. Retirement and disability system; establishment; rules and regulations.

* * * *

- (d) Age and period of service for retirement.

When any Foreign Service officer has reached the age of sixty-five years and rendered at least fifteen years of service he shall be retired on an annuity computed as prescribed in paragraph (e) of this section: *Provided*, That any Foreign Service officer who has reached the age of fifty years and rendered at least thirty years of service may, in the discretion of the Secretary of State, be retired on an annuity computed as prescribed under paragraph (e) of this section; or if any Foreign Service officer has reached the age of fifty years and has rendered at least fifteen but less than thirty years of actual service, exclusive of extra service credit as provided in paragraph (k) of this section, he may, at the instance of the Secretary of State, be retired on an annuity based on such

actual period of service: *And provided further*, That the President may in his discretion retain any Foreign Service officer on active duty for such period prior to his reaching seventy years of age as he may deem for the interests of the United States.

* * * *

(As amended July 3, 1926, ch. 798, § 1, 44 Stat. 902; Feb. 23, 1931, ch. 276, § 26, 46 Stat. 1211; Apr. 24, 1939, ch. 84, § 3, 53 Stat. 584; July 19, 1939, ch. 330, 53 Stat. 1067; Aug. 5, 1939, ch. 441, 53 Stat. 1208; Apr. 20, 1940, ch. 118, § 1, 54 Stat. 143; Oct. 14, 1940, ch. 859, § 4, 54 Stat. 1118; May 13, 1941, ch. 115, § 1, 55 Stat. 189, eff. Aug. 1, 1941.)

AMENDMENTS

1941—Par (d) amended by act May 13, 1941, eff. Aug 1, 1941, cited to text

DIPLOMATIC OFFICERS GENERALLY

- § 41. Ambassador or minister unable to serve because of emergent conditions abroad; appointment as Foreign Service officer; compensation.

During the period of the existing state of emergency proclaimed by the President on September 8, 1939, any Ambassador or Minister whose salary as such is payable from the appropriation "Salaries, Ambassadors and Ministers" and who prior to appointment as Ambassador or Minister was legally appointed and served as a diplomatic or consular officer of career or as a Foreign Service officer, and who on account of emergent conditions abroad is unable properly to serve the United States at his regular post of duty, or on account of such emergent conditions abroad it shall be or has been found necessary in the public interest to terminate his appointment as Ambassador or Minister at such post, may be appointed or assigned to serve in any capacity in which a Foreign Service officer is authorized by law to serve, and, notwithstanding the provisions of any other law, the payment from such appropriation for the fiscal years 1941 and 1942 of the salary of such officer, while serving under such assignment, is hereby authorized: *Provided*, That no person, while serving under such emergency appointment or assignment, shall receive compensation in excess of \$9,000 per annum while serving in continental United States or in excess of \$10,000 per annum while serving elsewhere. (Apr. 1, 1941, ch. 32, title I, § 1, 55 Stat. 71.)

CROSS REFERENCES

Proclamation of emergency, see Proc. No 2352, Sept. 8, 1939, 4 Fed. Reg. 3351, 54 Stat. 2643, set out in note preceding chapter 1 of Title 50, War.

GENERAL PROVISIONS COMMON TO DIPLOMATIC AND TO CONSULAR OFFICERS

- § 130a. Expenses of bringing home remains of personnel dying abroad.

REPEATED.—Act June 28, 1941, ch 258, title I, 55 Stat 268

§ 130b. Expenses of transporting personnel, families and effects to and from posts; emergency conditions.

Payment shall be made for the traveling expenses, including travel by airplane when specifically authorized by the Secretary of State, of Diplomatic, Consular, and Foreign Service officers, and other employees of the Foreign Service, including Foreign Service inspectors, and under such regulations as the Secretary of State may prescribe, of their families and expenses of transportation of effects, in going to and returning from their posts, and in removing the family and effects of any such officer or employee from any foreign post, and thereafter transporting such family and effects to his post of assignment, to whatever extent may be determined necessary by the Secretary of State by reason of emergency conditions in any country that in his opinion may endanger the life of such officer or employee or any member of his family, including automobiles as authorized by sections 73c and 823a of Title 5, section 824 of Title 10, and section 898 of Title 34, and storage of effects while such officers or employees are absent from their permanent posts of duty, including also not to exceed \$190,000 for expenses in connection with leaves of absence. (As amended June 28, 1941, ch. 258, title I, 55 Stat. 267.)

§ 136. Temporary assignment of American citizens in Foreign Service to Department of State during national emergency.

During the period of the existing state of emergency proclaimed by the President on September 8, 1939, American citizens holding positions in the Foreign Service of the United States and who on account of emergent conditions abroad are unable properly to serve the United States at their regular posts of duty may be assigned to the Department of State, to perform temporary services in that Department or to be detailed for temporary services of comparable importance, difficulty, responsibility, and value in any other department or agency of the United States, in cases where there is found to be a need of services for the performance of which such persons have the requisite qualifications. (June 28, 1941, ch. 258, title I, 55 Stat. 270.)

Chapter 4.—PASSPORTS

Sec.

- 226a. Permit as guarantee of admission to the United States (New).
- 226b. Revocation of proclamation, rule, etc. as bar to prosecution (New).
- 228. Refusal of visas of aliens whose admission might endanger public safety; reference to Secretary of State (New).
- 229. Same; rules and regulations (New).

§ 223. War-time restrictions; generally.

When the United States is at war or during the existence of the national emergency proclaimed by the President on May 27, 1941, or as to aliens whenever there exists a state of war between, or among, two or more states, and the President shall find that the interests of the United States require that restrictions and prohibitions in addition to those provided otherwise than by sections 223–226b of this title be imposed upon the departure of persons from and their entry into the United States, and shall

make public proclamation thereof, it shall, until otherwise ordered by the President or Congress, be unlawful—

(As amended June 21, 1941, ch. 210, § 1, 55 Stat. 252.)

PROCLAMATION OF NATIONAL EMERGENCY

Proc No. 2487, Unlimited National Emergency, see note preceding section 1, Title 50, War.

AMENDMENTS

1941—Act June 21, 1941, cited to text, amended first paragraph.

§ 225. Penalty for violation of war-time restrictions.

Any person who shall willfully violate any of the provisions of sections 223–226b of this title, or of any order or proclamation of the President promulgated, or of any permit, rule, or regulation issued thereunder, shall, upon conviction, be fined not more than \$5,000, or, if a natural person, imprisoned for not more than five years, or both; and the officer, director, or agent of any corporation who knowingly participates in such violation shall be punished by like fine or imprisonment, or both; and any vehicle, vessel or aircraft, together with its or her appurtenances, equipment, tackle, apparel, and furniture, concerned in any such violation, shall be forfeited to the United States. (As amended June 21, 1941, ch. 210, § 2, 55 Stat. 253.)

AMENDMENTS

1941—Act June 21, 1941, cited to text, reduced the fine from \$10,000 to \$5,000 and the term from twenty years to five years, and inserted "aircraft."

§ 226. "United States" and "person" as used in war-time restriction defined.

The term "United States" as used in sections 223–226b of this title includes the Canal Zone, the Commonwealth of the Philippines, and all territory and waters, continental or insular, subject to the jurisdiction of the United States.

The word "person" as used in sections 223, 224, and 225 of this title shall be deemed to mean any individual, partnership, association, company, or other unincorporated body of individuals, or corporation, or body politic. (As amended June 21, 1941, ch. 210, § 2a, 55 Stat. 253.)

AMENDMENTS

1941—Act June 21, 1941, cited to text, inserted "Commonwealth of the Philippines" in the first paragraph.

§ 226a. Permit as guarantee of admission to the United States.

Nothing in sections 223–226b of this title shall be construed to entitle an alien to whom a permit to enter the United States has been issued to enter the United States, if, upon arrival in the United States, he is found to be inadmissible to the United States under sections 223–226b of this title or any law relating to the entry of aliens into the United States. (May 22, 1918, ch. 81, § 5, as added June 21, 1941, ch. 210, § 3, 55 Stat. 253.)

§ 226b. Revocation of proclamation, rule, etc. as bar to prosecution.

The revocation of any proclamation, rule, regulation, or order issued in pursuance of sections 223–226b of this title, shall not prevent prosecution for

any offense committed or the imposition of any penalties or forfeitures, liability for which was incurred under sections 223-228b of this title prior to the revocation of such proclamation, rule, regulation, or order. (May 22, 1918, ch. 81, § 6, as added June 21, 1941, ch. 210, § 3, 55 Stat. 253.)

§ 228. Refusal of visas to aliens whose admission might endanger public safety; reference to Secretary of State.

Whenever any American diplomatic or consular officer knows or has reason to believe that any alien seeks to enter the United States for the purpose of engaging in activities which will endanger the public safety of the United States, he shall refuse to issue to such alien any immigration visa, passport visa, transit certificate, or other document entitling such alien to present himself for admission into the United States; but in any case in which a diplomatic or consular officer denies a visa or other travel document under the provisions of this section, he shall promptly refer the case to the Secretary of State for such further action as the Secretary may deem appropriate. (June 20, 1941, ch. 209, § 1, 55 Stat. 252.)

§ 229. Same; rules and regulations.

The President is hereby authorized to prescribe such rules and regulations as may be necessary to carry out the provisions of section 228 of this title. (June 20, 1941, ch. 209, § 2, 55 Stat. 252.)

Chapter 7.—INTERNATIONAL BUREAUS, CONGRESSES, ETC.

Sec.

277f. Valley Gravity Canal and Storage Project (New).

§§ 275, 276.

LATER SIMILAR PROVISIONS

Subsequent annual appropriation acts: June 28, 1941, ch. 258, title I, 55 Stat. 271.

§ 277f. Valley Gravity Canal and Storage Project.

The Secretary of State, with the approval of the President, shall designate the features of the Valley Gravity Canal and Storage Project which he deems international in character, and shall direct such changes in the general project plan as he deems advisable with respect to such features; and the features so designated shall be built, after consultation with the Bureau of Reclamation as to general design, by the American section of the International Boundary Commission, United States and Mexico, and shall be operated and maintained by said Commission insofar as their operation and maintenance in such manner is, in the opinion of the Secretary of State, necessary because of their international character. The construction, operation, and maintenance of such project shall be pursuant to the Federal reclamation laws, except as hereinbefore provided and except that—

(1) In addition to the nonreimbursable allocation to flood control or navigation which may be made by the Secretary of the Interior under section 485h (b) of Title 43, the President, after consultation with the Secretary of State and the Secretary of the Interior, shall allocate such part of the total estimated cost of the project as he deems proper

to the protection of American interests from drought hazards resulting from the uncontrolled and unregulated flow of the international portion of the Rio Grande below Old Fort Quitman, Texas. Provisions of law applicable with respect to allocations to flood control under section 485h (b) of Title 43, shall, insofar as they are not inconsistent with the foregoing provisions, be applicable in like manner with respect to any allocation made under this subparagraph; and

(2) All revenues received by the United States in connection with the construction, operation, and maintenance of such projects shall be covered into the Treasury as miscellaneous receipts. (June 28, 1941, ch. 259, § 1, 55 Stat. 338.)

§ 278b. Time of report to Congress.

REPEATED —Act June 28, 1941, ch. 258, title I, 55 Stat. 271.

Chapter 9.—FOREIGN WARS, WAR MATERIALS, AND NEUTRALITY

SUBCHAPTER I.—WAR MATERIALS

Sec.

411. Lease, loan, etc., of war materials in interest of United States defense; definitions (New).
- 412 Same; procurement for and transfer of defense articles to other countries; repairs, etc.; limitation on amount; termination of powers; naval convoys; combat area navigation (New).
- 413 Same; contract restrictions against disposal of transferred articles by transferee governments (New).
414. Same; information regarding articles exported; reports to Congress (New).
415. Same; appropriations; disposition of repayments (New).
- 416 Same; protection of patent rights (New).
417. Same; acquisition of war materials from foreign governments (New)
- 418 Same; rules and regulations; delegation of powers (New).
- 419 Same; effect on existing laws relating to use of land and naval forces (New).
420. Same; application of other laws (New)
- 421 Contracts by Government agencies for defense articles, services, etc., for foreign governments in interests of United States (New).
- 422 Same; retention for United States defense articles procured for foreign governments (New).

SUBCHAPTER I.—WAR MATERIALS

§ 411. Lease, loan, etc., of war materials in interest of United States defense; definitions.

As used in sections 411-419 of this title—

(a) The term "defense article" means—

(1) Any weapon, munition, aircraft, vessel, or boat;

(2) Any machinery, facility, tool, material, or supply necessary for the manufacture, production, processing, repair, servicing, or operation of any article described in this subsection;

(3) Any component material or part of or equipment for any article described in this subsection;

(4) Any agricultural, industrial or other commodity or article for defense.

Such term "defense article" includes any article described in this subsection: Manufactured or procured pursuant to section 412, or to which the United States or any foreign government has or hereafter acquires title, possession, or control.

(b) The term "defense information" means any plan, specification, design, prototype, or information pertaining to any defense article. (Mar. 11, 1941, ch. 11, § 2, 55 Stat. 31.)

SHORT TITLE OF SECTIONS 411-419

Sections 411-419 of this title, popularly known as the "Lend-Lease Act," "may be cited as 'An Act to Promote the Defense of the United States'" by section 1 of act Mar. 11, 1941, cited to text

SEPARABILITY OF PROVISIONS OF SECTIONS 411-419

Section 11 of act Mar. 11, 1941, cited to text, which act constitutes sections 411-419 of this title, provided as follows "If any provision of this Act or the application of such provision to any circumstance shall be held invalid, the validity of the remainder of the Act and the applicability of such provision to other circumstances shall not be affected thereby."

§ 412. Same; procurement for and transfer of defense articles to other countries; repairs, etc.; limitation on amount; termination of powers; naval convoys; combat area navigation.

(a) Notwithstanding the provisions of any other law, the President may, from time to time, when he deems it in the interest of national defense, authorize the Secretary of War, the Secretary of the Navy, or the head of any other department or agency of the Government—

(1) To manufacture in arsenals, factories, and shipyards under their jurisdiction, or otherwise procure, to the extent to which funds are made available therefor, or contracts are authorized from time to time by the Congress, or both, any defense article for the government of any country whose defense the President deems vital to the defense of the United States.

(2) To sell, transfer title to, exchange, lease, lend, or otherwise dispose of, to any such government any defense article, but no defense article not manufactured or procured under paragraph (1) shall in any way be disposed of under this paragraph, except after consultation with the Chief of Staff of the Army or the Chief of Naval Operations of the Navy, or both. The value of defense articles disposed of in any way under authority of this paragraph, and procured from funds heretofore appropriated, shall not exceed \$1,300,000,000. The value of such defense articles shall be determined by the head of the department or agency concerned or such other department, agency or officer as shall be designated in the manner provided in the rules and regulations issued hereunder. Defense articles procured from funds hereafter appropriated to any department or agency of the Government, other than from funds authorized to be appropriated under sections 411-419 of this title, shall not be disposed of in any way under authority of this paragraph except to the extent hereafter authorized by the Congress in the Acts appropriating such funds or otherwise.

(3) To test, inspect, prove, repair, outfit, recondition, or otherwise to place in good working order, to the extent to which funds are made available therefor, or contracts are authorized from time to time by the Congress, or both, any defense article for any such government, or to

procure any or all such services by private contract.

(4) To communicate to any such government any defense information, pertaining to any defense article furnished to such government under paragraph (2) of this subsection.

(5) To release for export any defense article disposed of in any way under this subsection to any such government.

(b) The terms and conditions upon which any such foreign government receives any aid authorized under subsection (a) shall be those which the President deems satisfactory, and the benefit to the United States may be payment or repayment in kind or property, or any other direct or indirect benefit which the President deems satisfactory.

(c) After June 30, 1943, or after the passage of a concurrent resolution by the two Houses before June 30, 1943, which declares that the powers conferred by or pursuant to subsection (a) are no longer necessary to promote the defense of the United States, neither the President nor the head of any department or agency shall exercise any of the powers conferred by or pursuant to subsection (a); except that until July 1, 1946, any of such powers may be exercised to the extent necessary to carry out a contract or agreement with such a foreign government made before July 1, 1943, or before the passage of such concurrent resolution, whichever is the earlier.

(d) Nothing in sections 411-419 of this title shall be construed to authorize or to permit the authorization of conveying vessels by naval vessels of the United States.

(e) Nothing in sections 411-419 of this title shall be construed to authorize or to permit the authorization of the entry of any American vessel into a combat area in violation of section 443 of this title. (Mar. 11, 1941, ch. 11, § 3, 55 Stat. 31.)

REDUCTION IN VALUE OF DEFENSE ARTICLES

The value of defense articles stipulated in subsec (a) (2) was reduced to \$800,000,000 by act Dec. 17, 1941, ch. 591, title I, § 102, 55 Stat. 813, and as thus limited was made inapplicable "to the War Department after the date of the enactment of this Act."

CROSS REFERENCES

American Republics, similar provisions regarding aid to, see sections 250 and 250a of this title.

§ 413. Same; contract restrictions against disposal of transferred articles by transferee governments.

All contracts or agreements made for the disposition of any defense article or defense information pursuant to section 412 shall contain a clause by which the foreign government undertakes that it will not, without the consent of the President, transfer title to or possession of such defense article or defense information by gift, sale, or otherwise, or permit its use by anyone not an officer, employee, or agent of such foreign government. (Mar. 11, 1941, ch. 11, § 4, 55 Stat. 32.)

CROSS REFERENCES

American Republics, similar provisions regarding aid to, see section 250b of this title.

§ 414. Same; information regarding articles exported; reports to Congress.

(a) The Secretary of War, the Secretary of the Navy, or the head of any other department or agency of the Government involved shall, when any such defense article or defense information is exported, immediately inform the department or agency designated by the President to administer section 99 of Title 50, of the quantities, character, value, terms of disposition, and destination of the article and information so exported.

(b) The President from time to time, but not less frequently than once every ninety days, shall transmit to the Congress a report of operations under sections 411–419 of this title except such information as he deems incompatible with the public interest to disclose. Reports provided for under this subsection shall be transmitted to the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, if the Senate or the House of Representatives, as the case may be, is not in session. (Mar. 11, 1941, ch. 11, § 5, 55 Stat. 32.)

CROSS REFERENCES

American Republics, similar provisions regarding aid to, see section 250c of this title.

§ 415. Same; appropriations; disposition of repayments.

(a) There is hereby authorized to be appropriated from time to time, out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the provisions and accomplish the purposes of sections 411–419 of this title.

(b) All money and all property which is converted into money received under section 412 from any government shall, with the approval of the Director of the Budget, revert to the respective appropriation or appropriations out of which funds were expended with respect to the defense article or defense information for which such consideration is received, and shall be available for expenditure for the purpose for which such expended funds were appropriated by law, during the fiscal year in which such funds are received and the ensuing fiscal year; but in no event shall any funds so received be available for expenditure after June 30, 1946. (Mar. 11, 1941, ch. 11, § 6, 55 Stat. 33.)

CROSS REFERENCES

American Republics, similar provisions regarding aid to, see section 250d of this title.

§ 416. Same; protection of patent rights.

The Secretary of War, the Secretary of the Navy, and the head of the department or agency shall in all contracts or agreements for the disposition of any defense article or defense information fully protect the rights of all citizens of the United States who have patent rights in and to any such article or information which is hereby authorized to be disposed of and the payments collected for royalties on such patents shall be paid to the owners and holders of such patents. (Mar. 11, 1941, ch. 11, § 7, 55 Stat. 33.)

CROSS REFERENCES

American Republics, similar provisions regarding aid to, see section 250e of this title.

§ 417. Same; acquisition of war materials from foreign governments.

The Secretaries of War and of the Navy are hereby authorized to purchase or otherwise acquire arms, ammunition, and implements of war produced within the jurisdiction of any country to which section 412 is applicable, whenever the President deems such purchase or acquisition to be necessary in the interests of the defense of the United States. (Mar. 11, 1941, ch. 11, § 8, 55 Stat. 33.)

CROSS REFERENCES

American Republics, similar provisions regarding aid to, see section 250f of this title.

§ 418. Same; rules and regulations; delegation of powers.

The President may, from time to time, promulgate such rules and regulations as may be necessary and proper to carry out any of the provisions of sections 411–419 of this title; and he may exercise any power or authority conferred on him by sections 411–419 of this title through such department, agency, or officer as he shall direct. (Mar. 11, 1941, ch. 11, § 9, 55 Stat. 33.)

§ 419. Same; effect on existing laws relating to use of land and naval forces.

Nothing in sections 411–419 of this title shall be construed to change existing law relating to the use of the land and naval forces of the United States, except insofar as such use relates to the manufacture, procurement, and repair of defense articles, the communication of information and other noncombatant purposes enumerated in sections 411–419 of this title. (Mar. 11, 1941, ch. 11, § 10, 55 Stat. 33.)

§ 420. Same; application of other laws.

The provisions of sections 1119a and 1119b of Title 46 shall apply to all activities and functions which the Maritime Commission may be authorized to perform pursuant to sections 411–419 of this title or any appropriations to carry out such sections, but nothing herein shall be construed to affect the appropriation made by sections 1119a of Title 46. (May 2, 1941, ch. 84, § 5, 55 Stat. 150.)

§ 421. Contracts by Government agencies for defense articles, services, etc., for foreign governments in interests of United States.

The President may, from time to time, when he deems it in the interest of national defense, authorize the head of any department or agency of the Government, to enter into contracts for the procurement of defense articles, information, or services for the government of any country whose defense the President deems vital to the defense of the United States, to the extent that such government agrees to pay the United States for such defense articles, information, or services prior to the receipt thereof and to make such payments from time to time as the President may require to protect the interests of the United States; and, upon payment of the full cost, the President may dispose of such articles, information, or services to such government: *Provided*, That the total amount of the outstanding contracts under this section, less the amounts which have been paid to the United States under such contracts,

shall at no time exceed \$600,000,000. (Oct. 28, 1941, ch. 460, title I, § 102, 55 Stat. 746.)

§ 422. Same; retention for United States defense articles procured for foreign governments.

Any defense article procured pursuant to section 421 of this title shall be retained by or transferred to and for the use of such department or agency of the United States as the President may determine, in lieu of being disposed of to a foreign government, whenever in the judgment of the President the defense of the United States will be best served thereby. (Oct. 28, 1941, ch. 460, title I, § 103, 55 Stat. 747.)

SUBCHAPTER II.—NEUTRALITY ACT

§§ 442, 443. Repealed. Nov. 17, 1941, 4:30 p. m. E. S. T., ch. 473, § 1, 55 Stat. 764.

§ 446. Repealed. Nov. 17, 1941, 4:30 p. m. E. S. T., ch. 473, § 2, 55 Stat. 764.

ARMING VESSELS AUTHORIZED DURING EMERGENCY

Res. Nov. 17, 1941, § 2, besides repealing this section, contained the following provision: "during the unlimited national emergency proclaimed by the President on May 27, 1941, the President is authorized, through such agency as he may designate, to arm, or to permit or cause to be armed, any American vessel as defined in such Act (Title 22, § 441 et seq.). The provisions of section 16 of the Criminal Code (Title 18, § 28) (relating to bonds from armed vessels on clearing) shall not apply to any such vessel."

Chapter 10.—HEMISPHERAL RELATIONS

SUBCHAPTER I.—GENERALLY

Sec.

504. Transfer of hemisphere territory from one non-American power to another; recognition; consultation with American Republics (New).

SUBCHAPTER I.—GENERALLY

§§ 501, 502.

CROSS REFERENCES

Lease-Lend Act of 1941, similar provisions of, see section 412 of this title.

§ 504. Transfer of hemisphere territory from one non-American power to another; recognition; consultation with American Republics.

(1) The United States would not recognize any transfer, and would not acquiesce in any attempt to transfer, any geographic region of this hemisphere from one non-American power to another non-American power; and

(2) If such transfer or attempt to transfer should appear likely, the United States shall, in addition to other measures, immediately consult with the other American republics to determine upon the steps which should be taken to safeguard their common interests (Apr. 10, 1941, ch. 49, 55 Stat. 133.)

PURPOSE OF ENACTMENT

The "whereas" clauses preceding the resolving words in Res. Apr. 10, 1941, cited to text, provided as follows:

"Whereas our traditional policy has been to consider any attempt on the part of non-American powers to extend their system to any portion of this hemisphere as dangerous to the peace and safety not only of this country but of the other American republics, and

"Whereas the American republics agreed at the Inter-American Conference for the Maintenance of Peace held in Buenos Aires in 1936 and at the Eighth International Conference of American States held in Lima in 1938 to consult with one another in the event that the peace, security, or territorial integrity of any American republic should be threatened; and

"Whereas the Meeting of the Foreign Ministers of the American Republics at Panama October 3, 1939, resolved 'That in case any geographic region of America subject to the jurisdiction of any non-American state should be obliged to change its sovereignty and there should result therefrom a danger to the security of the American Continent, a consultative meeting such as the one now being held will be convoked with the urgency that the case may require:'".

SUBCHAPTER II.—WAR MATERIALS

§§ 521-527.

CROSS REFERENCES

Lease-Lend Act of 1941, similar provisions of, see section 413 of this title.

TITLE 23.—HIGHWAYS

Chap.	Sec.
3. Defense Highway Act of 1941 (New).....	101

Chapter 1.—FEDERAL HIGHWAY ACT

- § 6. Projects to receive Federal aid; approval by Secretary of Agriculture; two classes of highways.

CROSS REFERENCES

Strategic highway network, extension of Federal-aid system to, see section 102 of this title.

- § 10c. Flight strips adjacent to public highways.

CROSS REFERENCES

Authorization of flight strips, see section 108 of this title.

- § 12. Submission of project statements; approval; setting aside share of Federal aid.

CROSS REFERENCES

Strategic highway network, surveys and plans for, see section 109 of this title.

- § 14. Payment to States of Federal aid; time and manner of making.

CROSS REFERENCES

Advancement of funds for strategic highway network, see section 107 of this title.

- § 21. Deduction for administration and research; apportionment of remainder among States.

CROSS REFERENCES

Strategic network of highways, apportionment and reapportionment of funds, see sections 104 and 105 of this title.

Chapter 2.—MISCELLANEOUS PROVISIONS

- § 57. Availability of Public Roads Administration funds for relief of certain employees.

REPEATED.—Act Apr. 5, 1941, ch. 40, § 1, 55 Stat. 109.

Chapter 3.—DEFENSE HIGHWAY ACT OF 1941 (New)

Sec.	
101.	Definition of strategic network of highways.
102.	Extension of Federal-aid system.
103.	Extension of secondary road system.
104.	Strategic highway network.
105.	Reapportionment of Federal highway funds.
106.	Access roads.
107.	Advance of funds.
108.	Flight strips.
109.	Surveys and plans.
110.	Emergency repairs.
111.	Off-street parking.
112.	Cost of right-of-way on strategic highway network.
113.	Cost of right-of-way in grade-crossing elimination.
114.	Acquisition of rights-of-way.
115.	Road work for Federal agencies.
116.	Detail of employees as students.
117.	Detail of Army and Navy officers.

- § 101. Definition of strategic network of highways.

As used in this chapter the term "strategic network of highways" means all existing or proposed highways which conform to routes designated on the diagrammatic map of principal highway traffic routes of military importance dated October 25, 1940, revised to May 15, 1941, and approved by the Secretary of War. The Federal Works Administrator is au-

thorized to designate existing or proposed highways conforming to such approved routes and interconnections as lines of the strategic network of highways. The location of any strategic highway route between control points shown on the revised diagrammatic map of May 15, 1941, may, without regard to State lines, be changed by the Federal Works Administrator, but no such change shall increase the length of such route between the termini of such change by more than 10 per centum. (Nov. 19, 1941, ch. 474, § 1, 55 Stat. 765.)

SHORT TITLE OF CHAPTER

Section 18 of act Nov. 19, 1941, cited to text, provided as follows: "This act may be cited as the 'Defense Highway Act of 1941'."

- § 102. Extension of Federal-aid system.

Notwithstanding the limitations in section 6 of this title, as amended and supplemented, respecting the mileage of the system of Federal-aid highways, such system of highways in any State may be extended to include, and there may be approved as a part of such system of highways in such State, any of the lines of the strategic network of highways. (Nov. 19, 1941, ch. 474, § 2, 55 Stat. 765.)

- § 103. Extension of secondary road system.

Funds heretofore or hereafter made available for expenditure under the provisions of sections 1-3a, 4-6, 7, 8, 9, 10, 11-13, 14, 15-20, 21, 22, 23, and 25 of this title, as amended and supplemented, for secondary or feeder roads are hereby also made available for expenditure on any roads (including bridges thereon) which are lines of the strategic network of highways and are not on the system of Federal-aid highways. (Nov. 19, 1941, ch. 474, § 3, 55 Stat. 765.)

- § 104. Strategic highway network.

(a) For carrying out projects to correct critical deficiencies in lines of the strategic network of highways and bridges, during the continuance of the emergency declared by the President on May 27, 1941, there is hereby authorized to be appropriated the sum of \$25,000,000. Such sum shall be immediately apportioned among the States in accordance with the provisions of section 21 of this title, as amended and supplemented, and shall be expended in accordance with the provisions of sections 1-3a, 4-6, 7, 8, 9, 10, 11-13, 14, 15-20, 21, 22, 23, and 25 of this title, as amended and supplemented: *Provided*, That during the continuance of the emergency declared by the President on May 27, 1941, when funds heretofore, herein, or hereafter made available for expenditure in accordance with the provisions of sections 1-3a, 4-6, 7, 8, 9, 10, 11-13, 14, 15-20, 21, 22, 23, and 25 of this title, as amended and supplemented, on the system of Federal-aid highways, or on secondary or feeder roads, are expended for any project on the strategic network of highways, including all such projects under construction during the period of said

emergency, the Federal share payable on account of any such project shall be increased to three-fourths of the total cost thereof, plus a percentage of the remaining one-fourth of such cost in any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands therein, equal to the percentage that the area of such lands in such State is of its total area.

(b) There is hereby authorized to be appropriated, during the continuance of the emergency declared by the President on May 27, 1941, the sum of \$25,000,000, which shall, after November 19, 1941, be allocated by the Federal Works Administrator to States for projects within such States without regard to the apportionment provisions of section 21 of this title, as amended and supplemented, and shall be available for expenditure in accordance with the provisions of this chapter, to supplement other Federal highway funds now or hereafter available for use for projects for the reconstruction and replacement of critically deficient bridges and the correction of other critical deficiencies in the strategic network of highways.

(c) Upon apportionment or allocation to the States of the sums authorized to be appropriated by this section, the State highway departments may submit projects, and such projects shall be acted upon and may be approved, in the same manner and with like effect as in the case of projects submitted for approval in accordance with the provisions of section 21a of this title. (Nov. 19, 1941, ch. 474, § 4, 55 Stat. 765.)

EMERGENCY DECLARED ON MAY 27, 1941

Unlimited national emergency, see Proc No 2487, set out in note preceding section 1 of Appendix to Title 50, War.

§ 105. Reapportionment of Federal highway funds.

Federal funds apportioned to the States prior to December 31, 1941, for expenditure on the system of Federal-aid highways, on secondary or feeder roads, and for the elimination of hazards to life at railroad grade crossings in accordance with the provisions of sections 1-3a, 4-6, 7, 8, 9, 10, 11-13, 14, 15-20, 21, 22, 23, and 25 of this title, as amended and supplemented, which have not on that date been obligated by the State shall if not so obligated on or before June 30, 1943, be immediately reapportioned among the States in accordance with the provisions of said sections, as amended and supplemented: *Provided*, That any State or States which have not so obligated such apportioned funds on June 30, 1943, shall not be entitled to share in the reapportionment provided for by this section. (Nov. 19, 1941, ch. 474, § 5, 55 Stat. 766.)

§ 106. Access roads.

The Commissioner of Public Roads is authorized to provide for the construction and improvement of access roads (including bridges, tubes and tunnels thereon) to military and naval reservations, to defense industries and defense-industry sites, and to the sources of raw materials when such roads are certified to the Federal Works Administrator as important to the national defense by the Secretary of War or the Secretary of the Navy, and for replacing existing highways and highway connections that are

shut off from general public use by necessary closures or restrictions at military and naval reservations and defense-industry sites. The acquisition of new or additional rights-of-way necessary for such projects may, to the extent determined by the Federal Works Administrator, be included as part of the construction of such projects and Federal funds shall be available to pay the cost of such acquisition. For carrying out the purpose of this section there is hereby authorized to be appropriated during the continuance of the emergency declared by the President on May 27, 1941, the sum of \$150,000,000, which shall be available, without regard to apportionment among the several States, for paying all or any part of the cost thereof: *Provided, however*, That in determining the expenditure of the funds under this section due consideration shall be given to projects for such roads in States which have heretofore expended their own funds for the immediate construction of roads and highways deemed essential to the national defense, which roads and highways but for the action of such States would be properly considered for construction with Federal funds under the provisions of this section. (Nov. 19, 1941, ch. 474, § 6, 55 Stat. 766.)

EMERGENCY DECLARED ON MAY 27, 1941

Unlimited national emergency, see Proc No 2487, set out in note preceding section 1 of Appendix to Title 50, War.

§ 107. Advance of funds.

If the Commissioner of Public Roads shall determine that it is necessary for the expeditious completion of projects undertaken pursuant to this chapter, he may advance to any State from funds heretofore or hereafter made available the Federal share of the cost thereof to enable the State highway department to make prompt payments for work as it progresses. The funds so advanced shall be deposited in a special trust account by the State treasurer, or other State official authorized under the laws of the State to receive Federal-aid highway funds, to be disbursed solely upon vouchers approved by the State highway department for work actually performed in accordance with plans, specifications, and estimates approved by the Public Roads Administration under the provisions of this chapter. Any unexpended balances of funds so advanced shall be returned to the credit of the appropriation from which the funds have been advanced. (Nov. 19, 1941, ch. 474, § 7, 55 Stat. 767.)

§ 108. Flight strips.

In order to insure greater safety for traffic on the public highways by providing additional facilities in connection therewith to be available for the landing and take-off of aircraft, the Commissioner of Public Roads is authorized to provide, in cooperation with the Army Air Corps, for studies and for the construction of flight strips adjacent to public highways or roadside-development areas along such highways. The acquisition of new or additional lands necessary for such projects may, to the extent determined by the Federal Works Administrator, be included as part of the construction thereof and Federal funds shall be available to pay the cost of such acquisition. For carrying out the purposes of this section, there is

hereby authorized to be appropriated during the continuance of the emergency declared by the President on May 27, 1941, in addition to any funds that may be available under any other appropriation, the sum of \$10,000,000, which shall be available, without regard to apportionment among the several States, for paying all or any part of the cost of such projects. (Nov. 19, 1941, ch. 474, § 8, 55 Stat. 767.)

EMERGENCY DECLARED ON MAY 27, 1941

Unlimited national emergency, see Proc. No. 2487, set out in note preceding section 1 of Appendix to Title 50, War.

CROSS REFERENCES

Investigation of location and development of flight strips, see section 10c of this title

§ 109. Surveys and plans.

The Commissioner of Public Roads is authorized to make such surveys and plans as may be necessary to carry out the purposes of this chapter, including advance engineering surveys and plans for future development of the strategic network of highways and bypasses around and extensions into and through municipalities and metropolitan areas. Any funds available for carrying out any of the purposes of sections 104, 106, and 108, of this title may be used for paying the Federal share of the cost of the surveys and plans required for such purposes, respectively, and the necessary administrative expenses for carrying out the provisions of this chapter shall be made available in accordance with the provisions of section 21 of this title. By agreement with the State highway department of any State, any project carried out in such State under the provisions of this section may be carried out through or in cooperation with the highway department of such State. For carrying out advance engineering surveys there is hereby authorized to be appropriated during the continuance of the emergency declared by the President on May 27, 1941, for apportionment among the States in accordance with the provisions of section 21 of this title, as amended and supplemented, the sum of \$10,000,000. Such sum shall be matched with State funds on the pro rata basis heretofore provided by law. (Nov. 19, 1941, ch. 474, § 9, 55 Stat. 767.)

EMERGENCY DECLARED ON MAY 27, 1941

Unlimited national emergency, see Proc. No. 2487, set out in note preceding section 1 of Appendix to Title 50, War.

CROSS REFERENCES

Federal-aid roads, surveys and plans for, see section 12 of this title.

§ 110. Emergency repairs.

The Commissioner of Public Roads is authorized to reimburse the several States for the necessary rehabilitation or repair of roads and highways of States or their subdivisions substantially damaged by the Army or the Navy, or both. The Commissioner is authorized on behalf of the United States to consider, ascertain, adjust, and determine any claim accruing subsequent to May 27, 1941, submitted by the State highway department of any State, in accordance with regulations prescribed by the Commissioner, for reimbursement of the cost of such rehabilitation or repair.

Such amount as may be found to be due to any claimant shall be certified to Congress for payment

out of appropriations that may be made by Congress therefor, together with a brief statement of the character of each claim, the amount claimed, and the amount allowed: *Provided*, That no claim shall be considered by the Commissioner unless notice of intention to file such claim has been presented to him within thirty days after the occurrence of the damage upon which the claim is based, except that in case of damage caused by maneuvers such notice shall be filed within thirty days after completion of such maneuvers: *And provided further*, That in either case such notice of damage accruing before November 19, 1941, shall be filed within thirty days after November 19, 1941. (Nov. 19, 1941, ch. 474, § 10, 55 Stat. 768.)

§ 111. Off-street parking.

In order to facilitate the flow of traffic on sections of the strategic network of highways forming by-passes around and connections into and through municipalities and metropolitan areas, the Commissioner of Public Roads is authorized to cooperate with the States in the location, development, and construction of off-street facilities for the parking of vehicles, and projects for providing such facilities shall be considered to be highway projects. Where provision is made by any State for the permanent prohibition of parking of vehicles within the roadway or street portion of any through highway over which the State has been legally vested with traffic control and which forms a section of the strategic network of highways, funds heretofore or hereafter made available for expenditure in accordance with the provisions of sections 1-3a, 4-6, 7, 8, 9, 10, 11-13, 14, 15-20, 21, 22, 23, and 25 of this title, as amended and supplemented, for construction and reconstruction on the system of Federal-aid highways, are hereby also made available, on the pro rata basis heretofore provided by law, for the location, development, and construction of off-street vehicle parking facilities to serve the area where parking on such highway is so prohibited, including the cost of acquiring the lands necessary for such facilities: *Provided*, That the Federal Works Administrator is authorized and directed to withhold from any allotment of Federal highway funds to any State a sum equal to the Federal share of the cost of any off-street parking facilities upon the failure of such State adequately to enforce such permanent prohibition of parking of vehicles within the roadway or street portion in connection with which Federal funds have been expended for the construction of such off-street parking facilities: *And provided further*, That the authority contained in this section shall not be exercised unless the Commissioner of Public Roads finds that the Federal share of the cost of providing such off-street parking facilities will be materially less than the Federal share of the cost of widening or relocating the section of the strategic network of highways which such off-street parking facilities are designed to serve, and that the benefits to be derived from the construction of off-street parking facilities will be substantially as great as the benefits to be derived from such widening or relocation. (Nov. 19, 1941, ch. 474, § 11, 55 Stat. 768.)

§ 112. Cost of right-of-way on strategic highway network.

When funds heretofore or hereafter made available for expenditure in accordance with the provisions of sections 1-3a, 4-6, 7, 8, 9, 10, 11-13, 14, 15-20, 21, 22, 23, and 25 of this title, as amended and supplemented, are expended for any project on the strategic network of highways the acquisition of new or additional rights-of-way necessary for such project may, to the extent determined by the Federal Works Administrator, be included as part of the construction of such project and Federal funds shall be available, to the extent determined by the Federal Works Administrator, to pay a share of the costs of such acquisition. (Nov. 19, 1941, ch. 474, § 12, 55 Stat. 768.)

§ 113. Cost of right-of-way in grade-crossing elimination.

When funds heretofore or hereafter made available for expenditure in accordance with the provisions of sections 1-3a, 4-6, 7, 8, 9, 10, 11-13, 14, 15-20, 21, 22, 23, and 25 of this title, as amended and supplemented, for the elimination of hazards to life at railroad grade crossings are expended for any project on the strategic network of highways, the acquisition of new or additional rights-of-way necessary for such project may, to the extent determined by the Federal Works Administrator, be included as part of the construction of such project and such funds shall be available, to the extent determined by the Administrator, to pay a share of the costs of such acquisition. (Nov. 19, 1941, ch. 474, § 13, 55 Stat. 769.)

§ 114. Acquisition of rights-of-way.

By agreement with the State highway department of any State, such new or additional rights-of-way, lands, or interests in lands in such State as may be required for any project authorized by this chapter, may be acquired by such highway department or by any political subdivision of such State, and the Commissioner of Public Roads may advance or reimburse the share of the cost of such acquisition payable by the Federal Government: *Provided, however*, That if the Federal Works Administrator shall determine that the highway department of any State is unable to obtain possession and the right to enter upon and use the required rights-of-way, lands, or interests in lands, improved or unimproved, with sufficient promptness, the Federal Works Administrator is authorized to acquire, prior to approval of title by the Attorney General, in the name of the United States, such rights-of-way, lands, or interests in lands as may be required in such State for such projects, by purchase, donation, condemnation, or otherwise, in accordance with the laws of the United States (including sections 258a-258e of Title 40) and, during the continuance of the emergency declared by the President on May 27, 1941, may enter upon and take possession thereof, and expend public funds for projects thereon, prior to approval of title by the Attorney General (without regard to the provisions of sections 1339 of Title 10, 733 of Title 33, 520 of Title 34, 255 of Title 40, 5 of Title 41, and 175 of Title 50, and without regard to State, municipal, or local laws, ordinances, or regulations). The costs incurred by the

Federal Works Administrator in acquiring any such rights-of-way, lands, or interests in lands may include the cost of examination and abstract of title, certificate of title, advertising, and any fees incidental to such acquisition; and shall be payable out of the funds available for paying the cost, or the Federal share of the cost, of the project for which such rights-of-way, lands, or interests in lands are acquired. The Federal Works Administrator is further authorized and directed, by proper deed executed in the name of the United States, to convey any lands or interest in lands acquired in any State under the provisions of this section to the highway department of such State, or to such political subdivision thereof as its laws may provide, upon condition that such highway department or political subdivisions will accept the same and will maintain the project constructed thereon. (Nov. 19, 1941, ch. 474, § 14, 55 Stat. 769.)

EMERGENCY DECLARED ON MAY 27, 1941

Unlimited national emergency, see Proc. No. 2487, set out in note preceding section 1 of Appendix to Title 50, War.

§ 115. Road work for Federal agencies.

The Commissioner of Public Roads is authorized, upon the request of any branch of the Federal Government, to perform any service in connection with the construction of roads or bridges, including the preparation of plans, designs, specifications and estimates, the execution of contracts, and supervision of the work, payment of all costs involved in such work to be made by transfer of funds in accordance with the provisions of section 686 of Title 31. (Nov. 19, 1941, ch. 474, § 15, 55 Stat. 769.)

§ 116. Detail of employees as students.

During any fiscal year the Commissioner of Public Roads is hereby authorized, in his discretion, to detail not to exceed ten of the regularly employed personnel of the Public Roads Administration as students for limited periods at such technical institutions as will enable such personnel to acquire special knowledge which will better fit them for the lines of work to which they are assigned: *Provided*, That no expense other than the salaries of personnel so detailed and the cost of tuition and other regular fees required at such institutions shall be incurred by the United States under this section. (Nov. 19, 1941, ch. 474, § 16, 55 Stat. 770.)

§ 117. Detail of Army and Navy officers.

The Secretary of War and the Secretary of the Navy, upon request of the Federal Works Administrator, are authorized to make temporary details to the Public Roads Administration of officers of the Army and officers of the Navy, without additional compensation, for technical advice and for consultation regarding highway needs for the national defense: *Provided*, That the travel and subsistence expenses of officers so detailed shall be paid, from appropriations available to the Public Roads Administration, on the same basis as authorized by law and by regulations of the War Department for officers of the Army and by law and by regulations of the Navy Department for officers of the Navy. (Nov. 19, 1941, ch. 474, § 17, 55 Stat. 770.)

TITLE 24.—HOSPITALS, ASYLUMS, AND CEMETERIES

Chapter 1.—NAVY HOSPITALS, NAVAL HOME, ARMY AND NAVY HOSPITAL, AND HOSPITAL RELIEF FOR SEAMEN AND OTHERS

§ 30. Payments to donors of blood for persons undergoing treatment at Government expense.

Any person, whether or not in the employ of the United States, who shall furnish blood from his or her veins for transfusion into the veins of a person entitled to and undergoing treatment at Government expense, whether in a Federal hospital or institution or in a civilian hospital or institution, or who shall furnish blood for blood banks or for other scientific and research purposes in connection with the care of any person entitled to treatment at Government expense, shall be entitled to be paid therefor such reasonable sum, not to exceed \$50, for each blood withdrawal as may be determined by the head of the department or independent agency concerned, from public funds available to such department or independent agency for medical and hospital supplies: *Provided*, That no payment shall be made under this authority to any person for blood withdrawn for the benefit of the person from whom it is withdrawn. (As amended July 30, 1941, ch. 332, 55 Stat. 609.)

Chapter 2.—THE SOLDIERS' HOME

§ 41. Board of commissioners; composition.

LEASE OF SITES TO THE UNITED STATES FOR CONSTRUCTION OF OFFICE BUILDINGS

Act Dec. 17, 1941, ch. 591, title III, 55 Stat. 821, provided in part: "The Board of Commissioners of the United States Soldiers' Home is hereby authorized to lease to the United States, for a period of ten years and upon the payment of a rental to be fixed by the Secretary of War, a site or sites upon which may be erected some of the buildings herein authorized [general office buildings]: *Provided further*, That all funds received for rental or other use of United States Soldiers' Home property, facilities, or supplies shall be immediately available to the Board of Commissioners thereof for reexpenditure without regard to fiscal year limitations."

Chapter 3.—THE NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS

BENEFICIARIES AND PENSIONS

§ 136. Disposition of personal property of deceased members.

Section now constitutes sections 17-17j of Title 38, Pensions, Bonuses, and Veterans' Relief.

Chapter 4.—SAINT ELIZABETHS HOSPITAL

ESTABLISHMENT AND MANAGEMENT; PENSIONS, MONEYS, AND APPROPRIATIONS

Sec.

180. American Red Cross buildings on hospital reservation (New).

181. Gifts; acceptance by Federal Security Administrator (New).

Sec.

182. Same; money; deposit, investment, and expenditure of income (New).

183. Same; intangible personalty; deposit, liquidation, and expenditure of income (New).

184. Same; realty or tangible personalty; use, lease, liquidation, etc. (New).

INMATES; BURDEN OF EXPENSES THEREOF; DETENTION OF INSANE

191a. Admission of Foreign Service personnel adjudged insane in foreign country (New).

ESTABLISHMENT AND MANAGEMENT; PENSIONS, MONEYS, AND APPROPRIATIONS

§ 169. Disposition of money paid for care of patients.

REPEATED.—Act July 1, 1941, ch. 269, title II, 55 Stat. 493.

§ 180. American Red Cross buildings on Hospital reservation.

The Administrator of the Federal Security Agency is hereby authorized to permit the American Red Cross to construct or have constructed upon the Saint Elizabeths Hospital reservation in the District of Columbia such building or buildings as he may deem advisable to be used by the American Red Cross in cooperation with the superintendent of such hospital in providing recreational facilities and activities for the patients and personnel of such hospital. Any amounts hereafter appropriated and any other moneys made available for the operation and maintenance of the Saint Elizabeths Hospital may be used for the provision of necessary heat, light, water, telephone, and other facilities incidental to the work of the American Red Cross among the patients of the institution. (May 9, 1941, ch. 101, 55 Stat. 186.)

§ 181. Gifts; acceptance by Federal Security Administrator.

The Federal Security Administrator is authorized to accept on behalf of the United States gifts made unconditionally by will or otherwise for the improvement, maintenance, or operation of Saint Elizabeths Hospital in the District of Columbia. Conditional gifts may be so accepted if recommended by the Surgeon General of the Public Health Service, and the principal of and income from any such conditional gift shall be held, invested, reinvested, and used in accordance with its conditions, but no gift shall be accepted which is conditioned upon any expenditure not to be met therefrom or from the income thereof unless such expenditure has been approved by Act of Congress. (Nov. 7, 1941, ch. 469, § 1, 55 Stat. 760.)

§ 182. Same; money; deposit, investment, and expenditure of income.

Any unconditional gift of money accepted pursuant to the authority granted in section 181 of this

title, the net proceeds from the liquidation (pursuant to section 183 or section 184 of this title) of any other property so accepted, and the proceeds of insurance on any such gift property not used for its restoration, shall be deposited in the Treasury of the United States and are hereby appropriated and shall be held in trust by the Secretary of the Treasury for the benefit of Saint Elizabeths Hospital, and he may invest and reinvest such funds in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. The income from such investments shall be available for expenditure in the improvement, maintenance, or operation of Saint Elizabeths Hospital, subject to the same examination and audit as provided for appropriations made for Saint Elizabeths Hospital by Congress. (Nov. 7, 1941, ch. 469, § 2, 55 Stat. 760.)

§ 183. Same; intangible personalty; deposit, liquidation, and expenditure of income.

The evidences of any unconditional gift of intangible personal property, other than money, accepted pursuant to the authority granted in section 181 of this title shall be deposited with the Secretary of the Treasury and he, in his discretion, may hold them or may liquidate them whenever in his judgment the purposes of the gifts will be served thereby. The income from any such property held by the Secretary of the Treasury shall be available for expenditure as is provided in section 182 of this title. (Nov. 7, 1941, ch. 469, § 3, 55 Stat. 761.)

CROSS REFERENCES

Continuation of enlistment during disability, see section 185 of this title.

§ 184. Same; realty or tangible personalty; use, lease, liquidation, etc.

The Federal Security Administrator shall hold any real property or any tangible personal property accepted unconditionally pursuant to the authority granted in section 181 of this title and he shall permit such property to be used for the improvement, maintenance, or operation of Saint Elizabeths Hospital or he may lease or hire such property, and may insure such property, and deposit the income thereof with the Secretary of the Treasury to be available for expenditure as provided in section 182 of this title: *Provided*, That the income from any such real property or tangible personal property shall be available for expenditure in the discretion of the Federal Security Administrator for the maintenance, preservation, or repair and insurance of such property and that any proceeds from insurance may be used to restore the property insured. Any such property when not required for the improvement or operation of the Saint Elizabeths Hospital may be liquidated by the Federal Security Administrator whenever in his judgment the purposes of

the gifts will be served thereby. (Nov. 7, 1941, ch. 469, § 4, 55 Stat. 761.)

INMATES; BURDEN OF EXPENSES THEREOF; DETENTION OF INSANE

§ 191a. Admission of Foreign Service personnel adjudged insane in foreign country.

Upon the application of the Secretary of State, the Federal Security Administrator is authorized to admit to Saint Elizabeths Hospital in the District of Columbia, for treatment, American citizens who are Foreign Service officers, as defined in section 2 of Title 22, or who are clerks in the Foreign Service classified as provided in section 23a of Title 22, or who are employees in the Foreign Service and stationed outside the United States, and who are legally adjudged insane in any foreign country and whose legal residence in one of the States, Territories, or the District of Columbia, it has been impossible to establish. Upon the ascertainment of the legal residence of persons so admitted to the hospital, the superintendent of the hospital shall thereupon transfer such persons to their respective places of residence, and the expenses attendant thereon shall be paid from the appropriation for the support of the hospital.

Upon the request of any such patient, his relatives or friends, he shall have a hearing in the District Court of the United States for the District of Columbia upon his mental condition and the right of the superintendent of Saint Elizabeths Hospital to hold him for treatment. (Oct. 29, 1941, ch. 462, 55 Stat. 756.)

Chapter 7.—NATIONAL CEMETERIES

§ 289. Conveyance to State or municipality of approach road to national cemetery.

The Secretary of War is authorized to convey to any State, county, municipality, or proper agency thereof, in which the same is located, all the right, title, and interest of the United States in and to any Government owned or controlled approach road to any national cemetery: *Provided*, That prior to the delivery of any instrument of conveyance hereunder, the State, county, municipality, or agency to which the conveyance herein authorized is to be made, shall notify the Secretary of War in writing of its willingness to accept and maintain the road included in such conveyance: *Provided further*, That upon the execution and delivery of any conveyance herein authorized the jurisdiction of the United States of America over the road conveyed shall cease and determine and shall thereafter vest in the State in which said road is located. (As amended May 23, 1941, ch. 130, § 1, 55 Stat. 191.)

§ 290. Encroachment by railroad on rights-of-way.

REPEATED.—Act May 23, 1941, ch. 130, § 1, 55 Stat. 191.

TITLE 25.—INDIANS

Chapter 7.—EDUCATION OF INDIANS

§ 303. Educational loans to worthy youths.

Advances may be made to worthy Indian youths to enable them to take educational courses, including courses in nursing, home economics, forestry, agriculture, and other industrial subjects in colleges, universities, or other institutions, and advances so made shall be reimbursed in not to exceed eight years under such rules and regulations as the Secretary of the Interior may prescribe. (As amended June 28, 1941, ch. 259, § 1, 55 Stat. 315.)

Chapter 11.—IRRIGATION OF ALLOTTED LANDS

§ 387. Basis of apportionment of costs of irrigation projects including maintenance; liens.

REPEATED.—Act June 28, 1941, ch. 259, § 1, 55 Stat. 317.

§ 389. Investigation and adjustment of irrigation charges on lands within projects on Indian reservations.

UINTAH INDIAN IRRIGATION PROJECT

Action of Secretary of the Interior taken pursuant to authority contained in sections 389-389e of this title with respect to lands within the Uintah Indian irrigation project were confirmed by Congress in act May 28, 1941, ch. 142, 55 Stat. 209.

Chapter 14.—MISCELLANEOUS

PROTECTION OF INDIANS AND CONSERVATION OF RESOURCES

Sec.

470a. Interest charges covered into revolving fund (New).

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PROTECTION OF INDIANS AND CONSERVATION OF RESOURCES

§ 470a. Interest charges covered into revolving fund.

Interest or other charges heretofore or hereafter collected on loans shall be credited to the revolving fund created by section 470 of this title and shall be available for the establishment of a revolving fund for the purpose of making and administering loans to Indian-chartered corporations in accordance with sections 461, 462, 463, 464-470, 471, 475, 476-478, 479 of this title, and of making and administering loans to individual Indians and to associations or corporate groups of Indians of Oklahoma in accordance with sections 501-509 of this title. (June 28, 1941, ch. 259, § 1, 55 Stat. 316.)

CROSS REFERENCES

Similar provisions, see prior Interior Department Appropriation Acts.

§ 481. Tribal organizing work; allowance to Indians traveling away from home.

REPEATED.—Act June 28, 1941, ch. 259, § 1, 55 Stat. 311.

PROMOTION OF WELFARE OF INDIANS IN OKLAHOMA

§ 506. Loans to individuals and groups; appropriation.

CROSS REFERENCES

Interest charges to be covered into revolving fund, see section 470a of this title.

FEES AND CHARGES

§§ 561, 562.

REPEATED.—Act June 28, 1941, ch. 259, § 1, 55 Stat. 325.

TITLE 26.—INTERNAL REVENUE CODE

Act Feb. 10, 1939, ch. 2, 53 Stat. 1-504

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19. Retailers' Excise Taxes (New)_____ 2400

Investigation of nonessential Federal expenditures, see
note under Subtitle D of this title, preceding section 3600.

SUBTITLE A.—TAXES SUBJECT TO THE JURISDICTION OF THE BOARD OF TAX APPEALS

Chapter 1.—INCOME TAX

SUBCHAPTER C.—SUPPLEMENTAL PROVISIONS

SUPPLEMENT Q.—MUTUAL INVESTMENT COMPANIES

Sec.

363. Surtax on mutual investment companies (New).

SUPPLEMENT T.—INDIVIDUALS WITH GROSS INCOME FROM CERTAIN SOURCES OF \$3,000 OR LESS (New)

400. Imposition of tax.

401. Rules for application of section 400.

402. Manner of election

403. Credits against tax not allowed.

404. Certain taxpayers not eligible.

SUBCHAPTER A.—INTRODUCTORY PROVISIONS

§ 4. Special classes of taxpayers.

(k) Shareholders of Personal Service Corporations,—Supplement S.

(l) Individuals with gross income from certain sources of \$3,000 or less,—Supplement T. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title I, § 102 (c), 55 Stat. 692.)

AMENDMENTS

1941—Subsecs (k) and (l) were added by act Sept. 20, 1941, cited to text.

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made applicable only with respect to taxable years beginning after Dec 31, 1940, by section 118 thereof.

TREATY OBLIGATIONS

Section 108 of act Sept. 20, 1941, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States"

SUBCHAPTER B.—GENERAL PROVISIONS

PART I.—RATES OF TAX

§ 11. Normal tax on individuals.

There shall be levied, collected, and paid for each taxable year upon the net income of every individual a normal tax of 4 per centum of the amount of the net income in excess of the credits against net income provided in section 25 (for alternative tax if gross income from certain sources is \$3,000 or less, see section 400). (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title I, § 102 (b) (1), 55 Stat. 692.)

AMENDMENTS

1941—Parenthetical cross-reference to section 400 was inserted by act Sept. 20, 1941, cited to text.

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made applicable only with respect to taxable years beginning after Dec. 31, 1940, by section 118 thereof.

TREATY OBLIGATIONS

Section 108 of act Sept 20, 1941, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States."

§ 12. Surtax on individuals.

(b) Rates of surtax.

There shall be levied, collected, and paid for each taxable year upon the surtax net income of every individual the surtax shown in the following table:

If the surtax net income is:	The surtax shall be:
Not over \$2,000-----	C% of the surtax net income
Over \$2,000 but not over \$4,000.	\$120, plus 9% of excess over \$2,000.
Over \$4,000 but not over \$6,000.	\$300, plus 13% of excess over \$4,000
Over \$6,000 but not over \$8,000	\$560, plus 17% of excess over \$6,000.
Over \$8,000 but not over \$10,000.	\$900, plus 21% of excess over \$8,000
Over \$10,000 but not over \$12,000.	\$1,320, plus 25% of excess over \$10,000.
Over \$12,000 but not over \$14,000	\$1,820, plus 29% of excess over \$12,000
Over \$14,000 but not over \$16,000.	\$2,400, plus 32% of excess over \$14,000
Over \$16,000 but not over \$18,000	\$3,040, plus 35% of excess over \$16,000.
Over \$18,000 but not over \$20,000.	\$3,740, plus 38% of excess over \$18,000
Over \$20,000 but not over \$22,000	\$4,500, plus 41% of excess over \$20,000.
Over \$22,000 but not over \$26,000.	\$5,320, plus 44% of excess over \$22,000.
Over \$26,000 but not over \$32,000.	\$7,080, plus 47% of excess over \$26,000.
Over \$32,000 but not over \$38,000.	\$9,900, plus 50% of excess over \$32,000.
Over \$38,000 but not over \$44,000.	\$12,900, plus 53% of excess over \$38,000
Over \$44,000 but not over \$50,000.	\$16,080, plus 55% of excess over \$44,000.
Over \$50,000 but not over \$60,000.	\$19,380, plus 57% of excess over \$50,000.
Over \$60,000 but not over \$70,000.	\$25,080, plus 59% of excess over \$60,000.
Over \$70,000 but not over \$80,000.	\$30,980, plus 61% of excess over \$70,000.
Over \$80,000 but not over \$90,000.	\$37,080, plus 63% of excess over \$80,000.
Over \$90,000 but not over \$100,000.	\$43,380, plus 64% of excess over \$90,000.
Over \$100,000 but not over \$150,000.	\$49,780, plus 65% of excess over \$100,000.
Over \$150,000 but not over \$200,000.	\$82,280, plus 66% of excess over \$150,000.
Over \$200,000 but not over \$250,000.	\$115,280, plus 67% of excess over \$200,000
Over \$250,000 but not over \$300,000.	\$148,780, plus 69% of excess over \$250,000
Over \$300,000 but not over \$400,000.	\$183,280, plus 71% of excess over \$300,000.
Over \$400,000 but not over \$500,000.	\$254,280, plus 72% of excess over \$400,000.
Over \$500,000 but not over \$750,000.	\$326,280, plus 73% of excess over \$500,000.
Over \$750,000 but not over \$1,000,000.	\$508,780, plus 74% of excess over \$750,000.
Over \$1,000,000 but not over \$2,000,000.	\$693,780, plus 75% of excess over \$1,000,000.
Over \$2,000,000 but not over \$5,000,000.	\$1,443,780, plus 76% of excess over \$2,000,000.
Over \$5,000,000-----	\$3,723,780, plus 77% of excess over \$5,000,000.

(g) (Cross references.)

For alternative tax if gross income from certain sources is \$3,000 or less, see section 400 (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title I, §§ 101, 102 (b) (2), 55 Stat. 688, 692.)

AMENDMENTS

1941—Subsec (b) was amended by act Sept. 20, 1941, § 101, cited to text

Subsec (g) was added by act Sept. 20, 1941, § 102 (b) (2), cited to text It was enacted without a catchline, and this has been supplied by editor

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made applicable only with respect to taxable years beginning after Dec. 31, 1940, by section 118 thereof

TREATY OBLIGATIONS

Provisions of section 8 of act June 25, 1940, cited to text, were repeated in section 108 of act Sept. 20, 1941, also cited

§ 13. Tax on corporations in general.

* * * *

(b) Imposition of tax.

* * * *

(1) General rule.

A tax of 24 per centum of the normal-tax net income; or

(2) Alternative tax (corporations with normal-tax net income slightly more than \$25,000).

A tax of \$4,250, plus 37 per centum of the amount of the normal-tax net income in excess of \$25,000. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title I, § 103 (a), 55 Stat. 692.)

* * * *

AMENDMENTS

1941—Subsec. (b), pars. (1) and (2), were amended by act Sept. 20, 1941, cited to text.

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made applicable only with respect to taxable years beginning after Dec. 31, 1940, by section 118 thereof.

TREATY OBLIGATIONS

Provisions of section 8 of act June 25, 1940, cited to text, were repeated in section 108 of act Sept. 20, 1941, also cited.

§ 14. Tax on special classes of corporations.

* * * *

(b) Corporations with normal-tax net incomes of not more than \$25,000.

If the normal-tax net income of the corporation is not more than \$25,000, and if the corporation does not come within one of the classes specified in subsection (c), (d), or (e) of this section, the tax shall be as follows:

Upon normal-tax net incomes not in excess of \$5,000, 15 per centum.

\$750 upon normal-tax net incomes of \$5,000, and upon normal-tax net incomes in excess of \$5,000 and not in excess of \$20,000, 17 per centum in addition of such excess.

\$3,300 upon normal-tax net incomes of \$20,000, and upon normal-tax net incomes in excess of \$20,000, 19 per centum in addition of such excess.

(c) Foreign corporations.

(1) In the case of a foreign corporation engaged in trade or business within the United States or having an office or place of business therein, the tax shall be an amount equal to 24 per centum of the normal-tax net income, regardless of the amount thereof. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title I, § 103 (b) (c), 55 Stat. 692, 693.)

* * * *

AMENDMENTS

1941—Subsecs. (b) and (c) were amended by act Sept. 20, 1941, §§ 103 (b), 103 (c), respectively, cited to text.

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made applicable only with respect to taxable years beginning after Dec. 31, 1940, by section 118 thereof.

TREATY OBLIGATIONS

Provisions of section 8 of act June 25, 1940, cited to text, were repeated in section 108 of act Sept. 20, 1941, also cited.

§ 15. Surtax on corporations.

(a) Corporation surtax net income.

For the purposes of this chapter the term "corporation surtax net income" means the net income minus the credit for dividends received provided in section 26 (b), computed by limiting such credit to 85 per centum of the net income in lieu of 85 per centum of the adjusted net income.

(b) Imposition of tax.

There shall be levied, collected, and paid for each taxable year upon the corporation surtax net income of every corporation (except a corporation subject to the tax imposed by section 231 (a) or Supplement Q) a surtax as follows:

Upon corporation surtax net incomes not in excess of \$25,000, 6 per centum of the amount thereof;

Upon corporation surtax net incomes in excess of \$25,000, \$1,500, plus 7 per centum of the excess over \$25,000. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title I, § 104 (a), 55 Stat. 693.)

AMENDMENTS

1941—Act Sept. 20, 1941, cited to text, amended section in its entirety.

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made applicable only with respect to taxable years beginning after Dec. 31, 1940, by section 118 thereof.

TREATY OBLIGATIONS

Section 108 of act Sept. 20, 1941, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States."

PART II.—COMPUTATION OF NET INCOME

§ 23. Deductions from gross income.

* * * *

(a) Expenses.

* * * *

(3) Expenditures for advertising and good will.

If a corporation has, for the purpose of computing its excess profits credit under chapter 2E, claimed the benefits of the election provided in section 733, no deduction shall be allowable under paragraph (1) to such corporation for expenditures for advertising

or the promotion of good will which, under the rules and regulations prescribed under section 733 (a), may be regarded as capital investments.

* * * * *

(c) Taxes generally.

(1) Allowance in general.

Taxes paid or accrued within the taxable year, except—

(A) Federal income taxes;

(B) war-profits and excess-profits taxes imposed by Title II of the Revenue Act of 1917, Title III of the Revenue Act of 1918, Title III of the Revenue Act of 1921, section 216 of the National Industrial Recovery Act, or section 702 of the Revenue Act of 1934, or by any such provisions as amended or supplemented;

(C) income, war-profits, and excess-profits taxes imposed by the authority of any foreign country or possession of the United States; but this deduction shall be allowed in the case of a taxpayer who does not signify in his return his desire to have to any extent the benefits of section 131 (relating to credit for taxes of foreign countries and possessions of the United States);

(D) estate, inheritance, legacy, succession, and gift taxes; and

(E) taxes assessed against local benefits of a kind tending to increase the value of the property assessed; but this paragraph shall not exclude the allowance as a deduction of so much of such taxes as is properly allocable to maintenance or interest charges.

(2) Excess-profits tax under chapter 2E—Special rules.

For the purposes of this subsection, in the case of the excess-profits tax imposed by Subchapter E of Chapter 2—

(A) The deduction shall be limited to the tax imposed for the taxable year, but any portion of such tax paid after the taxable year shall be considered as having been paid within the taxable year;

(B) No reduction in such tax shall be made by reason of the credit for income, war-profits, or excess-profits taxes paid to any foreign country or possession of the United States;

(C) Such tax shall be computed without regard to the adjustments provided in section 734; and

(D) Such tax, in the case of a consolidated return under section 730, shall be allocated to the members of the affiliated group under regulations prescribed by the Commissioner, with the approval of the Secretary. (As amended Mar. 7, 1941, ch. 10, § 10 (b), 55 Stat. 27, eff. Oct. 8, 1940, 11 p. m., E. S. T.; Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title II, § 202 (a), 55 Stat. 700.)

* * * * *

AMENDMENTS

1941—Subsec. (a) (3), applicable to taxable years after Dec. 31, 1939, was added by act Mar. 7, 1941, cited to text, eff. Oct. 8, 1940, 11 p. m., E. S. T., by section 17 of that act.

Subsec. (c) was amended by act Sept. 20, 1941, cited to text

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made applicable only with respect to taxable years beginning after Dec. 31, 1940, by section 205 thereof.

§ 25. Credits of individual against net income.

* * * * *

(b) Credits for both normal tax and surtax. * * *

(1) Personal exemption.

In the case of a single person or a married person not living with husband or wife, a personal exemption of \$750; or in the case of the head of a family or a married person living with husband or wife, a personal exemption of \$1,500. A husband and wife living together shall receive but one personal exemption. The amount of such personal exemption shall be \$1,500. If such husband and wife make separate returns, the personal exemption may be taken by either or divided between them, except that if one spouse makes a return under Supplement T, the personal exemption of the other spouse shall be \$750.

(2) Credit for dependents.

(A) *Allowance in General.*—\$400 for each person (other than husband or wife) dependent upon and receiving his chief support from the taxpayer if such dependent person is under eighteen years of age or is incapable of self-support because mentally or physically defective.

(B) *Exception for Certain Heads of Families.*—If the taxpayer would not occupy the status of head of a family except by reason of there being one or more dependents for whom he would be entitled to credit under subparagraph (A), the credit under such subparagraph shall be disallowed with respect to one of such dependents. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title I, §§ 111 (a), 113, 55 Stat. 696, 697.)

* * * * *

AMENDMENTS

1941—Subsec. (b) (1) was amended by act Sept. 20, 1941, § 111 (a), cited to text.

Subsec. (b) (2) was amended by act Sept. 20, 1941, § 113, cited to text.

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made applicable only with respect to taxable years beginning after Dec. 31, 1940, by section 118 thereof.

TREATY OBLIGATIONS

Provisions of section 8 of act June 25, 1940, cited to text, were repeated in section 108 of act Sept. 20, 1941, also cited.

§ 27. Corporation dividends paid credit.

* * * * *

(c) Dividend carry-over.

There shall be computed with respect to each taxable year of a corporation a dividend carry-over to such year from the two preceding taxable years, which shall consist of the sum of—

(1) The amount of the basic surtax credit for the second preceding taxable year, reduced by the adjusted net income for such year, and further reduced by the amount, if any, by which the adjusted net income for the first preceding taxable year exceeds the sum of—

(A) The basic surtax credit for such year; and

(B) The excess, if any, of the basic surtax credit for the third preceding taxable year over the adjusted net income for such year; and

(2) The amount, if any, by which the basic surtax credit for the first preceding taxable year exceeds the adjusted net income for such year.

In the case of a preceding taxable year, referred to in this subsection, which begins in 1936 or 1937, the adjusted net income shall be the adjusted net income as defined in section 14 of the Revenue Act of 1936, and the basic surtax credit shall be only the dividends paid credit computed under the Revenue Act of 1936 without the benefit of the dividend carry-over provided in section 27 (b) of such Act. In the case of a preceding taxable year, referred to in this subsection, which begins in 1938, the adjusted net income shall be the adjusted net income as defined in section 13 (a) of the Revenue Act of 1938, 52 Stat. 455, and the basic surtax credit shall be the basic surtax credit as defined in section 27 of the Revenue Act of 1938, 52 Stat. 468. (As amended Mar. 17, 1941, ch. 21, § 1, 55 Stat. 44, eff. Feb. 11, 1939.)

AMENDMENTS

1941—Subsec. (c) was amended by res. Mar. 17, 1941, cited to text, eff. Feb. 11, 1939.

PART IV.—ACCOUNTING PERIODS AND METHODS OF ACCOUNTING

§ 42. Period in which items of gross income included—(a) General rule.

The amount of all items of gross income shall be included in the gross income for the taxable year in which received by the taxpayer, unless, under methods of accounting permitted under section 41, any such amounts are to be properly accounted for as of a different period. In the case of the death of a taxpayer there shall be included in computing net income for the taxable period in which falls the date of his death, amounts accrued up to the date of his death if not otherwise properly includible in respect of such period or a prior period.

(b) Noninterest-bearing obligations issued at discount.

If, in the case of a taxpayer owning any non-interest-bearing obligation issued at a discount and redeemable for fixed amounts increasing at stated intervals, the increase in the redemption price of such obligation occurring in the taxable year does not (under the method of accounting used in computing his net income) constitute income to him in such year, such taxpayer may, at his election made in his return for any taxable year beginning after December 31, 1940, treat such increase as income received in such taxable year. If any such election is made with respect to any such obligation, it shall apply also to all such obligations owned by the taxpayer at the beginning of the first taxable year to which it applies and to all such obligations thereafter acquired by him and shall be binding for all subsequent taxable years, unless upon application by the taxpayer the Commissioner permits him, subject to such conditions as the Commissioner deems necessary, to change to a different method. In the case of any such obligations owned by the taxpayer at the beginning of the first taxable year to which his election applies, the increase in the redemption price of such obligations occurring be-

tween the date of acquisition and the first day of such taxable year shall also be treated as income received in such taxable year.

(c) Short-term obligations issued on discount basis.

In the case of any obligation of the United States or any of its possessions, or of a State or Territory, or any political subdivision thereof, or of the District of Columbia, issued on or after March 1, 1941, on a discount basis and payable without interest at a fixed maturity date not exceeding one year from the date of issue, the amount of discount at which such obligation is originally sold shall not be considered to accrue until the date on which such obligation is paid at maturity, sold, or otherwise disposed of. (As amended Sept. 20, 1941, 12.15 p. m., E. S. T., ch. 412, title I, §§ 114, 115 (a) (c), 55 Stat. 697, 698.)

AMENDMENTS

1941—Subsec. (a), formerly entire section, was amended by act Sept. 20, 1941, § 114, cited to text, which inserted "(a) General rule." before the first sentence thereof.

Subsecs. (b) and (c) were added by act Sept. 20, 1941, §§ 114, 115 (a), respectively, cited to text.

EFFECTIVE DATE

Act Sept. 20, 1941, § 114, cited to text, which affected subsecs. (a) and (b) of this section, was made applicable only with respect to taxable years beginning after Dec. 31, 1940, by section 118 thereof.

Act Sept. 20, 1941, § 115 (a), cited to text, which added subsec. (c) to this section, was made applicable with respect to taxable years ending after Feb. 28, 1941, by section 115 (c) thereof.

TREATY OBLIGATIONS

Section 108 of act Sept. 20, 1941, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States."

PART V.—RETURNS AND PAYMENT OF TAX

§ 51. Individual returns.

(a) Requirement.

The following individuals shall each make under oath a return stating specifically the items of his gross income and the deductions and credits allowed under this chapter and such other information for the purpose of carrying out the provisions of this chapter as the Commissioner with the approval of the Secretary may by regulations prescribe—

(1) Every individual who is single or who is married but not living with husband or wife, if having a gross income for the taxable year of \$750 or over.

(2) Every individual who is married and living with husband or wife, if no joint return is made under subsection (b) and if—

(A) Such individual has for the taxable year a gross income of \$1,500 or over, and the other spouse has no gross income; or

(B) Such individual and his spouse each has for the taxable year a gross income and the aggregate gross income is \$1,500 or over. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title I, § 112 (a), 55 Stat. 696.)

AMENDMENTS

1941—Subsec. (a) was amended by act Sept. 20, 1941, cited to text.

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made applicable only with respect to taxable years beginning after Dec. 31, 1940, by section 118 thereof.

TREATY OBLIGATIONS

Provisions of section 8 of act June 25, 1940, cited to text, were repeated in section 108 of act Sept. 20, 1941, also cited.

§ 55. Publicity of returns—(a) Public record and inspection.

(2) And all returns made under this chapter, subchapters A, B, D, and E of chapter 2, subchapter B of chapter 3, chapters 4, 7, 12, and 21, subchapter A of chapter 29, and chapter 30, shall constitute public records and shall be open to public examination and inspection to such extent as shall be authorized in rules and regulations promulgated by the President. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 554 (d) (1), 55 Stat. 722.)

AMENDMENTS

1941—Subsec. (a) (2) was amended by act Sept. 20, 1941, cited to text, which struck out "subchapters A and B of" preceding "chapter 30".

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made effective on Oct. 1, 1941, by section 558 thereof.

SUBCHAPTER C—SUPPLEMENTAL PROVISIONS

SUPPLEMENT A.—RATES OF TAX

§ 102. Surtax on corporations improperly accumulating surplus—(a) Imposition of tax.

27½ per centum of the amount of the undistributed section 102 net income not in excess of \$100,000, plus

38½ per centum of the undistributed section 102 net income in excess of \$100,000.

(d) Definitions.

(1) Section 102 net income.

(A) Taxes.

Federal income, war-profits, and excess-profits taxes (other than the tax imposed by Subchapter E of Chapter 2 for a taxable year beginning after December 31, 1940) paid or accrued during the taxable year, to the extent not allowed as a deduction by section 23, but not including the tax imposed by this section or a corresponding section of a prior income-tax law. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title I, §§ 103 (d) 202 (b), 55 Stat. 693, 700.)

AMENDMENTS

1941—Subsec. (a) was amended by act Sept. 20, 1941, § 103 (d), cited to text, which increased rates.

Subsec. (d) (1) (A) was amended by act Sept. 20, 1941, § 202 (b), cited to text.

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made applicable only with respect to taxable years beginning after Dec. 31, 1940, by sections 118 and 205 thereof.

TREATY OBLIGATIONS

Section 108 of act Sept. 20, 1941, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States."

§ 104. Banks and trust companies.

(b) Rate of tax.

Banks shall be subject to tax under section 13 or section 14 (b), and under section 15. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title I, § 104 (c), 55 Stat. 694.)

AMENDMENTS

1941—Subsec. (b) was amended by act Sept. 20, 1941, cited to text.

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made applicable only with respect to taxable years beginning after Dec. 31, 1940, by section 118 thereof.

TREATY OBLIGATIONS

Section 108 of act Sept. 20, 1941, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States."

SUPPLEMENT B—COMPUTATION OF NET INCOME

§ 113. Adjusted basis for determining gain or loss—(a) Basis (unadjusted) of property.

(11) Property acquired during affiliation.

In the case of property acquired by a corporation, during a period of affiliation, from a corporation with which it was affiliated, the basis of such property, after such period of affiliation, shall be determined, in accordance with regulations prescribed by the Commissioner with the approval of the Secretary, without regard to inter-company transactions in respect of which gain or loss was not recognized. For the purposes of this paragraph, the term "period of affiliation" means the period during which such corporations were affiliated (determined in accordance with the law applicable thereto) but does not include any taxable year beginning on or after January 1, 1922, unless a consolidated return was made, nor any taxable year after the taxable year 1928. The basis in case of property acquired by a corporation during any period, in the taxable year 1929 or any subsequent taxable year, in respect of which a consolidated return is made by such corporation under section 141 of this chapter or the Revenue Act of 1928, 45 Stat. 831, or the Revenue Act of 1932, 47 Stat. 213, or the Revenue Act of 1934, 48 Stat. 720, or the Revenue Act of 1936, 49 Stat. 1698, or the Revenue Act of 1938, 52 Stat. 508, shall be determined in accordance with regulations prescribed under section 141 (b) of this chapter or the Revenue Act of 1928 or the Revenue Act of 1932 or the Revenue Act of 1934 or the Revenue Act of 1936 or the Revenue Act of 1938. The basis in the case of property held by a corporation during any period, in the taxable year 1929 or any subsequent taxable year, in respect of which a consolidated return is made by such corporation under section 141 of this chapter or the Revenue Act of 1928 or the Revenue Act of 1932 or the Revenue Act of 1934 or the Revenue Act of 1936

or the Revenue Act of 1938, shall be adjusted in respect of any items relating to such period, in accordance with regulations prescribed under section 141 (b) of this chapter or the Revenue Act of 1928 or the Revenue Act of 1932 or the Revenue Act of 1934 or the Revenue Act of 1936 or the Revenue Act of 1938, applicable to such period. (As amended Mar. 17, 1941, ch. 21, § 1, 55 Stat. 44, eff. Feb. 11, 1939.)

AMENDMENTS

1941—Subsec. (a) (11) was amended by res Mar. 17, 1941, cited to text, eff. Feb. 11, 1939.

§ 117. Capital gains and losses—(a) Definitions.

(1) Capital assets.

The term "capital assets" means property held by the taxpayer (whether or not connected with his trade or business), but does not include stock in trade of the taxpayer or other property of a kind which would properly be included in the inventory of the taxpayer if on hand at the close of the taxable year, or property held by the taxpayer primarily for sale to customers in the ordinary course of his trade or business, or property, used in the trade or business, of a character which is subject to the allowance for depreciation provided in section 23 (l), or an obligation of the United States or any of its possessions, or of a State or Territory, or any political subdivision thereof, or of the District of Columbia, issued on or after March 1, 1941, on a discount basis and payable without interest at a fixed maturity date not exceeding one year from the date of issue; (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title I, § 115 (b), 55 Stat. 698.)

AMENDMENTS

1941—Subsec. (a) (1) was amended by act Sept. 20, 1941, cited to text, which substituted matter beginning "or an obligation of the United States * * *" for semicolon formerly at end.

EFFECTIVE DATE

Act Sept. 20, 1941, § 115 (b), cited to text, which amended subsec. (a) (1) of this section, was made applicable with respect to taxable years ending after Feb. 28, 1941, by section 115 (c) thereof.

TREATY OBLIGATIONS

Section 108 of act Sept. 20, 1941, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States."

§ 124. Amortization deduction.

(f) Determination of adjusted basis of emergency facility.

(1) There shall be included only so much of the amount otherwise constituting such adjusted basis as is properly attributable to such construction, reconstruction, erection, installation, or acquisition after June 10, 1940, as either the Secretary of War or the Secretary of the Navy has certified as necessary in the interest of national defense during the emergency period, which certification shall be under such regulations as may be prescribed from time to

time by the Secretary of War and the Secretary of the Navy, with the approval of the President.

(3) The certificate provided for in paragraph (1) shall have no effect unless an application therefor is filed before the expiration of six months after the beginning of such construction, reconstruction, erection, or installation or the date of such acquisition, or before December 1, 1941, whichever is later: *Provided*, That in no event and notwithstanding any of the other provisions of this section, no amortization deduction shall be allowed in respect of any emergency facility for any taxable year unless a certificate in respect thereof under paragraph (1) of this subsection shall have been made prior to the making of the election, pursuant to subsection (b) and (d) (4) of this section, to take the amortization deduction and begin the sixty-month period in or with such taxable year, or before December 1, 1941, whichever is later.

(i) Protection of the United States.

If the taxpayer has been or will be reimbursed by the United States for all or a part of the cost of any emergency facility pursuant to any contract (in excess of \$15,000 in amount) with the United States, made on its behalf after December 31, 1939, by the War Department, the Navy Department, the United States Maritime Commission, or such other department or agency as the President may designate, either—

(1) directly, by a provision therein dealing expressly with such reimbursement, or

(2) indirectly, because the price paid by the United States (insofar as return of cost of the facility is used by the United States as a factor in the fixing of such price) is recognized by the contract as including a return of cost greater than the normal exhaustion, wear, and tear: *Provided*, That no such greater return of cost shall be deemed to have been used as a factor in the fixing of such price when the negotiating or contracting officer reports that after careful consideration he is satisfied that such greater return was not included in the price,

no amortization deduction with respect to such emergency facility shall be allowed for any month after the end of the month in which such contract is made unless either the Secretary of War or the Secretary of the Navy certifies to the Commissioner that the interest of the United States is adequately protected with reference to the future use and disposition of such emergency facility. A certificate of like effect may also be issued with respect to emergency facilities for which the taxpayer has not been or will not be so reimbursed. A certificate by either the Secretary of War or the Secretary of the Navy made to the Commissioner, to the effect that under any such contract, reimbursement for all or a part of the cost of any emergency facility is not provided for within the meaning of clause (1) or clause (2), shall be conclusive for the purposes of this subsection. Except in cases of applications therefor filed before December 1, 1941, the certifi-

cates provided for under this subsection shall have no effect unless an application therefor is filed either before the expiration of six months after the making of such contract or before the expiration of sixty days after the making of a certificate under subsection (f), whichever is later.

The reports of negotiating and contracting officers and the certificates provided for in this subsection shall be issued under such regulations as may be prescribed from time to time by the Secretary of War and the Secretary of the Navy, with the approval of the President.

The terms and conditions of contracts with reference to reimbursement of the cost of emergency facilities and the protecting of the United States with reference to the future use and disposition of such emergency facilities shall be made available to the public. (As amended Jan. 31, 1941, ch. 3, §§ 1-3, 55 Stat. 4; Oct. 30, 1941, ch. 464, §§ 1-3, 55 Stat. 757.)

AMENDMENTS

1941—Subsecs. (f) (1), (f) (3), and (i) were amended by res. Jan. 31, 1941, §§ 1-3, respectively, and res. Oct. 30, 1941, §§ 1-3, respectively, both cited to text.

EFFECTIVE DATE

Section 4 of said res. Jan. 31, 1941, cited to text, provided as follows: "The amendments made by this joint resolution to section 124 of the Internal Revenue Code shall be applicable as if they were a part of such section on the date of the enactment of the Second Revenue Act of 1940 (Oct. 8, 1940, 11 p. m., E. S. T.)." Repeated in section 4 of res. Oct. 30, 1941, also cited.

SUPPLEMENT D.—RETURNS AND PAYMENT OF TAX

§ 142. Fiduciary returns—(a) Requirement of return.

Every fiduciary (except a receiver appointed by authority of law in possession of part only of the property of an individual) shall make under oath a return for any of the following individuals, estates, or trusts for which he acts, stating specifically the items of gross income thereof and the deductions and credits allowed under this chapter and such other information for the purpose of carrying out the provisions of this chapter as the Commissioner with the approval of the Secretary may by regulations prescribe—

(1) Every individual having a gross income for the taxable year of \$750 or over, if single, or if married and not living with husband or wife;

(2) Every individual having a gross income for the taxable year of \$1,500 or over, if married and living with husband or wife;

(3) Every estate the gross income of which for the taxable year is \$750 or over;

(4) Every trust the net income of which for the taxable year is \$100 or over, or the gross income of which for the taxable year is \$750 or over, regardless of the amount of the net income; and

(5) Every estate or trust of which any beneficiary is a nonresident alien. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title I, § 112 (b), 55 Stat. 696.)

AMENDMENTS

1941—Subsec. (a) was amended by act Sept. 20, 1941, cited to text.

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made applicable only with respect to taxable years beginning after Dec. 31, 1940, by section 118 thereof.

TREATY OBLIGATIONS

Provisions of section 8 of act June 25, 1940, cited to text, were repeated in section 108 of act Sept. 20, 1941, also cited.

§ 143. Withholding of tax at source—(a) Tax-free covenant bonds—(1) Requirement of withholding.

In any case where bonds, mortgages, or deeds of trust, or other similar obligations of a corporation, issued before January 1, 1934, contain a contract or provision by which the obligor agrees to pay any portion of the tax imposed by this chapter upon the obligee, or to reimburse the obligee for any portion of the tax, or to pay the interest without deduction for any tax which the obligor may be required or permitted to pay thereon, or to retain therefrom under any law of the United States, the obligor shall deduct and withhold a tax equal to 2 per centum of the interest upon such bonds, mortgages, deeds of trust, or other obligations, whether such interest is payable annually or at shorter or longer periods, if payable to an individual, a partnership, or a foreign corporation not engaged in trade or business within the United States and not having any office or place of business therein: *Provided*, That if the liability assumed by the obligor does not exceed 2 per centum of the interest, then the deduction and withholding shall be at the following rates: (A) 27½ per centum in the case of a nonresident alien individual (except that such rate shall be reduced, in the case of a resident of any country in North, Central, or South America, or in the West Indies, or of Newfoundland, to such rate, not less than 5 per centum, as may be provided by treaty with such country), or of any partnership not engaged in trade or business within the United States and not having any office or place of business therein and composed in whole or in part of nonresident aliens, (B) in the case of such a foreign corporation, 27½ per centum, and (C) 2 per centum in the case of other individuals and partnerships: *Provided further*, That if the owners of such obligations are not known to the withholding agent the Commissioner may authorize such deduction and withholding to be at the rate of 2 per centum, or, if the liability assumed by the obligor does not exceed 2 per centum of the interest, then at the rate of 27½ per centum.

(b) Nonresident aliens.

All persons, in whatever capacity acting, including lessees or mortgagors of real or personal property, fiduciaries, employers, and all officers and employees of the United States, having the control, receipt, custody, disposal, or payment of interest (except interest on deposits with persons carrying on the banking business paid to persons not engaged in business in the United States and not having an office or place of business therein), dividends, rent, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, or other fixed or determinable annual or periodical gains, profits, and income (but

only to the extent that any of the above items constitutes gross income from sources within the United States), of any nonresident alien individual, or of any partnership not engaged in trade or business within the United States and not having any office or place of business therein and composed in whole or in part of nonresident aliens, shall (except in the cases provided for in subsection (a) of this section and except as otherwise provided in regulations prescribed by the Commissioner under section 215) deduct and withhold from such annual or periodical gains, profits, and income a tax equal to 27½ per centum thereof, except that such rate shall be reduced, in the case of a nonresident alien individual a resident of any country in North, Central, or South America, or in the West Indies, or of Newfoundland, to such rate (not less than 5 per centum) as may be provided by treaty with such country: *Provided*, That no such deduction or withholding shall be required in the case of dividends paid by a foreign corporation unless (1) such corporation is engaged in trade or business within the United States or has an office or place of business therein, and (2) more than 85 per centum of the gross income of such corporation for the three-year period ending with the close of its taxable year preceding the declaration of such dividends (or for such part of such period as the corporation has been in existence) was derived from sources within the United States as determined under the provisions of section 119: *Provided further*, That the Commissioner may authorize such tax to be deducted and withheld from the interest upon any securities the owners of which are not known to the withholding agent. Under regulations prescribed by the Commissioner, with the approval of the Secretary, there may be exempted from such deduction and withholding the compensation for personal services of nonresident alien individuals who enter and leave the United States at frequent intervals.

* * * * *

(h) Repealed. Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title I, § 107 (b), 55 Stat. 695.

(As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, §§ 107 (a), (b), 109 (a), 55 Stat. 695.)

AMENDMENTS

1941—Subsec. (a) (1) was amended by act Sept. 20, 1941, §§ 107 (a), 109 (a), cited to text.

Subsec. (b) was amended by act Sept. 20, 1941, §§ 107 (a), 109 (a), cited to text.

Subsec. (h), relating to rates until January 1945, was repealed by act Sept. 20, 1941, § 107 (b), cited to text.

EFFECTIVE DATE

Act Sept. 20, 1941, § 107 (a), (b), cited to text, which affected subssecs. (a), (b), and (h) of this section, was made applicable only with respect to the period beginning the tenth day after the date of enactment of that act, by section 107 (c) thereof.

Act Sept. 20, 1941, § 109 (a) cited to text, which affected subssecs. (a) (1) and (b) of this section, was made applicable only with respect to taxable years beginning after Dec. 31, 1940, by section 118 thereof.

TREATY OBLIGATIONS

Provisions of section 8 of act June 25, 1940, cited to text, were repeated in section 108 of act Sept. 20, 1941, also cited.

§ 144. Payment of corporation income tax at source.

In the case of foreign corporations subject to taxation under this chapter not engaged in trade or

business within the United States and not having any office or place of business therein, there shall be deducted and withheld at the source in the same manner and upon the same items of income as is provided in section 143 a tax equal to 27½ per centum thereof, except that in the case of corporations organized under the laws of any country in North, Central, or South America, or in the West Indies, or of Newfoundland such rate with respect to dividends shall be reduced to such rate (not less than 5 per centum) as may be provided by treaty with such country; and such tax shall be returned and paid in the same manner and subject to the same conditions as provided in that section: *Provided*, That in the case of interest described in subsection (a) of that section (relating to tax-free covenant bonds) the deduction and withholding shall be at the rate specified in such subsection. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, §§ 107 (a), 109 (a), 55 Stat. 695.)

AMENDMENTS

1941—Act Sept. 20, 1941, § 107 (a), cited to text, substituted "27½ per centum" for "15 per centum" wherever occurring.

Act Sept. 20, 1941, § 109 (a), cited to text, substituted "any country in North, Central, or South America, or in the West Indies, or of Newfoundland" for "a contiguous country".

EFFECTIVE DATE

Act Sept. 20, 1941, § 107 (a), cited to text, was made applicable only with respect to the period beginning the tenth day after the date of enactment of that act, by section 107 (c) thereof.

Act Sept. 20, 1941, § 109 (a), cited to text, was made applicable only with respect to taxable years beginning after Dec. 31, 1940, by section 118 thereof.

TREATY OBLIGATIONS

Provisions of section 8 of act June 25, 1940, cited to text, were repeated in section 108 of act Sept. 20, 1941, also cited.

§ 147. Information at source—(a) Payments of \$750 or more.

All persons, in whatever capacity acting, including lessees or mortgagors of real or personal property, fiduciaries, and employers, making payment to another person, of interest, rent, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, or other fixed or determinable gains, profits, and income (other than payments described in section 148 (a) or 149), of \$750 or more in any taxable year, or, in the case of such payments made by the United States, the officers or employees of the United States having information as to such payments and required to make returns in regard thereto by the regulations hereinafter provided for, shall render a true and accurate return to the Commissioner, under such regulations and in such form and manner and to such extent as may be prescribed by him with the approval of the Secretary, setting forth the amount of such gains, profits, and income, and the name and address of the recipient of such payment.

(b) Returns regardless of amount of payment.

Such returns may be required, regardless of amounts, (1) in the case of payments of interest upon bonds, mortgages, deeds of trust, or other similar obligations of corporations, (2) in the case of payments of interest upon obligations of the United States or any agency or instrumentality thereof, and (3) in the case of collections of items (not payable

in the United States) of interest upon the bonds of foreign countries and interest upon the bonds of and dividends from foreign corporations by persons undertaking as a matter of business or for profit the collection of foreign payments of such interest or dividends by means of coupons, checks, or bills of exchange.

(d) Repealed. Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title I, § 116 (a), 55 Stat. 693.

(As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title I, §§ 112 (c), 116 (a), (b), 55 Stat. 697, 698.)

AMENDMENTS

1941—Subsec (a) was amended by act Sept 20, 1941, § 112 (c), cited to text, which substituted "\$750" for "\$800" wherever occurring therein.

Subsec (b) was amended by act Sept. 20, 1941, § 116 (b), cited to text, which renumbered former clause (2) to be "(3)" and added a new clause (2).

EFFECTIVE DATE

Act Sept 20, 1941, § 112 (c), cited to text, which amended subsec (a) of this section, was made applicable only with respect to taxable years beginning after Dec. 31, 1940, by section 118 thereof.

Act Sept 20, 1941, § 116 (a), (b), cited to text, which repealed subsec (d) and amended subsec. (b) of this section, took effect upon the day after the date of enactment of that act, by virtue of section 116 (c) thereof.

TREATY OBLIGATIONS

Provisions of section 8 of act June 25, 1940, cited to text, were repeated in section 108 of act Sept. 20, 1941, also cited.

SUPPLEMENT H.—NONRESIDENT ALIEN INDIVIDUALS

§ 211. Tax on nonresident alien individuals—(a) No United States business or office—(1) General rule—(A) Imposition of tax.

There shall be levied, collected, and paid for each taxable year, in lieu of the tax imposed by sections 11 and 12 upon the amount received, by every nonresident alien individual not engaged in trade or business within the United States and not having an office or place of business therein, from sources within the United States as interest (except interest on deposits with persons carrying on the banking business), dividends, rents, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, or other fixed or determinable annual or periodical gains, profits, and income, a tax of 27½ per centum of such amount, except that such rate shall be reduced, in the case of a resident of any country in North, Central, or South America, or in the West Indies, or of Newfoundland, to such rate (not less than 5 per centum) as may be provided by treaty with such country.

(2) Aggregate more than \$23,000.

The tax imposed by paragraph (1) shall not apply to any individual if the aggregate amount received during the taxable year from the sources therein specified is more than \$23,000.

(3) Residents of certain countries.

The provisions of paragraph (2) shall not apply to a resident of any country in North, Central, or

South America, or in the West Indies, or of Newfoundland, so long as there is in effect with such country a treaty which provides otherwise.

(c) No United States business or office and gross income of more than \$23,000.

A nonresident alien individual not engaged in trade or business within the United States and not having an office or place of business therein who has a gross income for any taxable year of more than \$23,000 from the sources specified in subsection (a) (1), shall be taxable without regard to the provisions of subsection (a) (1), except that—

(1) The gross income shall include only income from the sources specified in subsection (a) (1);

(2) The deductions (other than the so-called "charitable deduction" provided in section 213 (c)) shall be allowed only if and to the extent that they are properly allocable to the gross income from the sources specified in subsection (a) (1);

(3) The aggregate of the normal and surtax under sections 11 and 12 shall, in no case, be less than 27½ per centum of the gross income from the sources specified in subsection (a) (1); and

(4) This subsection shall not apply to a resident of any country in North, Central, or South America, or in the West Indies, or of Newfoundland, so long as there is in effect with such country a treaty which provides otherwise. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title I, §§ 105, 109, 55 Stat. 694, 695.)

AMENDMENTS

1941—Subsec. (a) (1) amended by act Sept. 20, 1941, §§ 105 (a), 109 (a), cited to text. Said section 105 (a) affected only par. (A).

Subsec. (a) (2) amended by act Sept. 20, 1941, § 105 (b), cited to text.

Subsec. (a) (3) amended by act Sept. 20, 1941, § 109 (b), cited to text.

Subsec. (c) amended by act Sept 20, 1941, §§ 105 (c), 109 (c), cited to text. Said section 109 (c) affected only par (4).

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made applicable only with respect to taxable years beginning after Dec. 31, 1940, by section 118 thereof.

TREATY OBLIGATIONS

Provisions of section 8 of act June 25, 1940, cited to text, were repeated in section 108 of act Sept. 20, 1941, also cited.

§ 214. Credits against net income.

In the case of a nonresident alien individual the personal exemption allowed by section 25 (b) (1) of this chapter shall be only \$750. The credit for dependents allowed by section 25 (b) (2) shall not be allowed in the case of a nonresident alien individual unless he is a resident of a contiguous country. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title I, § 111 (b), 55 Stat. 696.)

AMENDMENTS

1941—Act Sept. 20, 1941, cited to text, substituted "\$750" for "\$800".

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made applicable only with respect to taxable years beginning after Dec. 31, 1940, by section 118 thereof.

TREATY OBLIGATIONS

Provisions of section 8 of act June 25, 1940, cited to text, were repeated in section 108 of act Sept. 20, 1941, also cited.

SUPPLEMENT L.—FOREIGN CORPORATIONS

§ 231. Tax on foreign corporations—(a) Nonresident corporations—(1) Imposition of tax.

There shall be levied, collected, and paid for each taxable year, in lieu of the tax imposed by sections 13 and 14, upon the amount received by every foreign corporation not engaged in trade or business within the United States and not having an office or place of business therein, from sources within the United States as interest (except interest on deposits with persons carrying on the banking business), dividends, rents, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, or other fixed or determinable annual or periodical gains, profits, and income, a tax of 27½ per centum of such amount, except that in the case of corporations organized under the laws of any country in North, Central, or South America, or in the West Indies, or of Newfoundland such rate with respect to dividends shall be reduced to such rate (not less than 5 per centum) as may be provided by treaty with such country.

* * * * *

(b) Resident corporations.

A foreign corporation engaged in trade or business within the United States or having an office or place of business therein shall be taxable as provided in section 14 (c) (1) and section 15. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title I, §§ 104 (d), 106, 109a, 55 Stat. 694, 695.)

* * * * *

AMENDMENTS

1941—Subsec. (a) (1) was amended by act Sept. 20, 1941, §§ 106, 109 (a), cited to text.

Subsec. (b) was amended by act Sept. 20, 1941, § 104 (d), cited to text.

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made applicable only with respect to taxable years beginning after Dec. 31, 1940, by section 118 thereof.

TREATY OBLIGATIONS

Provisions of section 8 of act June 25, 1940, cited to text, were repeated in section 108 of act Sept. 20, 1941, also cited.

SUPPLEMENT J.—POSSESSIONS OF THE UNITED STATES

§ 251. Income from sources within possessions of United States.

* * * * *

(c) Tax in case of corporations—(1) Corporation tax.

A domestic corporation entitled to the benefits of this section shall be subject to tax under section 13 or section 14 (b), and under section 15.

* * * * *

(f) Credits against net income.

A citizen of the United States entitled to the benefits of this section shall be allowed a personal exemption of only \$750 and shall not be allowed the credit for dependents provided in section 25 (b) (2). (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title I, §§ 104 (e), 111 (c), 55 Stat. 694, 696.)

* * * * *

AMENDMENTS

1941—Subsec. (c) (1) was amended by act Sept. 20, 1941, § 104 (e), cited to text.

Subsec. (f) was amended by act Sept. 20, 1941, § 111 (c), cited to text, which substituted "\$750", for "\$800".

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made applicable only with respect to taxable years beginning after Dec. 31, 1940, by section 118 thereof.

TREATY OBLIGATIONS

Provisions of section 8 of act June 25, 1940, cited to text, were repeated in section 108 of act Sept. 20, 1941, also cited.

SUPPLEMENT K.—CHINA TRADE ACT CORPORATIONS

§ 251. Taxation in general—(a) Corporation tax.

A corporation organized under the China Trade Act, 1922 (42 Stat. 849; U. S. C., 1934 ed., title 15, ch. 4), shall be subject to tax under section 13 or section 14 (b), and under section 15. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title I, § 104 (f) (1), 55 Stat. 694.)

* * * * *

AMENDMENTS

1941—Subsec. (a) was amended by act Sept. 20, 1941, cited to text.

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made applicable only with respect to taxable years beginning after Dec. 31, 1940, by section 118 thereof.

TREATY OBLIGATIONS

Section 108 of act Sept. 20, 1941, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States."

§ 262. Credit against net income—(a) Allowance of credit.

For the purpose only of the taxes imposed by sections 13, 14, 15, and 600 of this title and section 106 of the Revenue Act of 1935 there shall be allowed, in the case of a corporation organized under the China Trade Act, 1922, in addition to the credits against net income otherwise allowed such corporation, a credit against the net income of an amount equal to the proportion of the net income derived from sources within China (determined in a similar manner to that provided in section 119) which the par value of the shares of stock of the corporation owned on the last day of the taxable year by (1) persons resident in China, the United States, or possessions of the United States, and (2) individual citizens of the United States or China wherever resident, bears to the par value of the whole number of shares of stock of the corporation outstanding on such date: *Provided*, That in no case shall the diminution, by reason of such credit, of the tax imposed by such section 13, 14, or 15 (computed without regard to this section) exceed the amount of the special dividend certified under subsection (b) of this section; and in no case shall the diminution, by reason of such credit, of the tax imposed by such section 106 or 600 (computed without regard to this section) exceed the amount by which such special dividend exceeds the diminution permitted by this section in the tax imposed by such section 13, 14, or

15. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title I, § 104 (f) (2), 55 Stat. 694.)

AMENDMENTS

1941—Subsec. (a) was amended by act Sept. 20, 1941, cited to text

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made applicable only with respect to taxable years beginning after Dec. 31, 1940, by section 118 thereof.

TREATY OBLIGATIONS

Section 103 of act Sept. 20, 1941, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States"

SUPPLEMENT Q.—MUTUAL INVESTMENT COMPANIES

§ 362. Tax on mutual investment companies.

(b) Imposition of tax.

There shall be levied, collected, and paid for each taxable year upon the Supplement Q net income of every mutual investment company a tax equal to 24 per centum of the amount thereof. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title I, § 103 (e), 55 Stat. 693.)

AMENDMENTS

1941—Subsec. (b) was amended by act Sept. 20, 1941, cited to text.

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made applicable only with respect to taxable years beginning after Dec. 31, 1940, by section 118 thereof

TREATY OBLIGATIONS

Provisions of section 8 of act June 25, 1940, cited to text, were repeated in section 103 of act Sept. 20, 1941, also cited.

§ 363. Surtax on mutual investment companies—(a) Supplement Q surtax net income.

For the purposes of this chapter the term "Supplement Q surtax net income" means the net income, computed without the net operating loss deduction provided in section 23 (s), minus the dividends paid during the taxable year increased by the consent dividends credit provided in section 28. For the purposes of this subsection the amount of dividends paid shall be computed in the same manner as provided in subsections (d), (e), (f), (g), (h), and (i) of section 27 for the purpose of the basic surtax credit provided in section 27.

(b) Imposition of tax.

There shall be levied, collected, and paid for each taxable year upon the Supplement Q surtax net income of every mutual investment company a surtax as follows:

Upon Supplement Q surtax net incomes not in excess of \$25,000, 6 per centum of the amount thereof;

Upon Supplement Q surtax net incomes in excess of \$25,000, \$1,500, plus 7 per centum of the excess over \$25,000. (Added Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title I, § 104 (b), 55 Stat. 693.)

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made applicable only with respect to taxable years beginning after Dec. 31, 1940, by section 118 thereof.

TREATY OBLIGATIONS

Section 108 of act Sept. 20, 1941, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States."

SUPPLEMENT R.—EXCHANGES AND DISTRIBUTIONS IN OBEDIENCE TO ORDERS OF SECURITIES AND EXCHANGE COMMISSION

§ 373. Definitions.

(a) The term "order of the Securities and Exchange Commission" means an order (1) issued after May 28, 1938, and prior to January 1, 1943, by the Securities and Exchange Commission to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935 (49 Stat. 820; U. S. C., Supp. V, title 15, section 79k (b)), or (2) issued by the Commission subsequent to December 31, 1942, in which it is expressly stated that an order of the character specified in clause (1) is amended or supplemented, and (3) which has become final in accordance with law. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title I, § 117 (a), 55 Stat. 698.)

AMENDMENTS

1941—Subsec. (a) was amended by act Sept. 20, 1941, cited to text.

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made applicable only with respect to taxable years beginning after Dec. 31, 1939, by section 117 (b) thereof.

TREATY OBLIGATIONS

Section 108 of act Sept. 20, 1941, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States."

SUPPLEMENT T.—INDIVIDUALS WITH GROSS INCOME FROM CERTAIN SOURCES OF \$3,000 OR LESS (NEW)

Supplement T was added to Internal Revenue Code by act Sept. 20, 1941, 12 15 p. m., E. S. T., ch. 412, title I, § 102 (a), 55 Stat. 689.

§ 400. Imposition of tax.

In lieu of the tax imposed under sections 11 and 12, an individual may elect, for each taxable year, to pay the tax shown in the following table if his gross income for such taxable year is \$3,000 or less and consists wholly of one or more of the following: Salary, wages, compensation for personal services, dividends, interest, rent, annuities, or royalties:

If the gross income is over—	But not over—	The tax shall be—	
		Single person (not head of a family)	Head of family or married person
\$1.....	\$750	\$0	\$0
\$750.....	775	1	0
\$775.....	800	2	0
\$800.....	825	3	0
\$825.....	850	5	0
\$850.....	875	7	0
\$875.....	900	9	0
\$900.....	925	11	0
\$925.....	950	14	0
\$950.....	975	16	0
\$975.....	1,000	18	0
\$1,000.....	1,025	20	0
\$1,025.....	1,050	22	0
\$1,050.....	1,075	24	0

If the gross income is over—	But not over—	The tax shall be—	
		Single person (not head of a family)	Head of family or married person
\$1,075	\$1,100	\$26	\$0
\$1,100	1,125	29	0
\$1,125	1,150	31	0
\$1,150	1,175	33	0
\$1,175	1,200	35	0
\$1,200	1,225	37	0
\$1,225	1,250	39	0
\$1,250	1,275	42	0
\$1,275	1,300	44	0
\$1,300	1,325	46	0
\$1,325	1,350	48	0
\$1,350	1,375	50	0
\$1,375	1,400	52	0
\$1,400	1,425	55	0
\$1,425	1,450	57	0
\$1,450	1,475	59	0
\$1,475	1,500	61	0
\$1,500	1,525	63	1
\$1,525	1,550	65	2
\$1,550	1,575	68	3
\$1,575	1,600	70	5
\$1,600	1,625	72	6
\$1,625	1,650	74	7
\$1,650	1,675	76	9
\$1,675	1,700	78	11
\$1,700	1,725	80	13
\$1,725	1,750	83	15
\$1,750	1,775	85	17
\$1,775	1,800	87	19
\$1,800	1,825	89	22
\$1,825	1,850	91	24
\$1,850	1,875	93	26
\$1,875	1,900	96	28
\$1,900	1,925	98	30
\$1,925	1,950	100	32
\$1,950	1,975	102	35
\$1,975	2,000	104	37
\$2,000	2,025	106	39
\$2,025	2,050	109	41
\$2,050	2,075	111	43
\$2,075	2,100	113	45
\$2,100	2,125	115	48
\$2,125	2,150	117	50
\$2,150	2,175	119	52
\$2,175	2,200	122	54
\$2,200	2,225	124	56
\$2,225	2,250	126	58
\$2,250	2,275	128	60
\$2,275	2,300	130	63
\$2,300	2,325	132	65
\$2,325	2,350	134	67
\$2,350	2,375	137	69
\$2,375	2,400	139	71
\$2,400	2,425	141	73
\$2,425	2,450	143	76
\$2,450	2,475	145	78
\$2,475	2,500	147	80
\$2,500	2,525	150	82
\$2,525	2,550	152	84
\$2,550	2,575	154	86
\$2,575	2,600	156	89
\$2,600	2,625	158	91
\$2,625	2,650	160	93
\$2,650	2,675	163	95
\$2,675	2,700	165	97
\$2,700	2,725	167	99
\$2,725	2,750	169	102
\$2,750	2,775	172	104
\$2,775	2,800	174	106
\$2,800	2,825	177	108
\$2,825	2,850	180	110
\$2,850	2,875	183	112
\$2,875	2,900	186	114
\$2,900	2,925	189	117
\$2,925	2,950	191	119
\$2,950	2,975	194	121
\$2,975	3,000	197	123

in any case where its application would be contrary to any treaty obligation of the United States."

§ 401. Rules for application of section 400.

For the purposes of this Supplement—

(a) Definitions.

(1) "Married person" means a married person living with husband or wife.

(2) "Dependent" means a person (other than husband or wife) dependent upon and receiving his chief support from the taxpayer if such dependent person is under eighteen years of age or is incapable of self-support because mentally or physically defective, excluding as a dependent, in the case of a head of a family, one who would be excluded under section 25 (b) (2) (B).

(b) Determination of status.

The determination of whether a person is living with husband or wife, is a head of a family, or is a dependent, shall be made as of the last day of the taxpayer's taxable year.

(c) Separate return of husband and wife.

If a husband and wife living together file separate returns, each shall be treated as a single person.

(d) Married persons not living with husband or wife.

A married person not a head of a family and not living with husband or wife shall be treated as a single person. (Added Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title I, § 102 (a), 55 Stat. 691.)

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made applicable only with respect to taxable years beginning after Dec. 31, 1940, by section 118 thereof.

TREATY OBLIGATIONS

Section 108 of act Sept. 20, 1941, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States."

§ 402. Manner of election.

The election referred to in section 400 shall be considered to have been made if the taxpayer files the return prescribed for this Supplement and such election shall be irrevocable. If the taxpayer for any taxable year has filed a return computing his tax without regard to this Supplement, he may not thereafter elect for such year to compute his tax under this Supplement. (Added Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title I, § 102 (a), 55 Stat. 692.)

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made applicable only with respect to taxable years beginning after Dec. 31, 1940, by section 118 thereof.

TREATY OBLIGATIONS

Section 108 of act Sept. 20, 1941, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States."

§ 403. Credits against tax not allowed.

Section 31 (relating to foreign tax credit) and section 32 (relating to credit for taxes withheld at source) shall not apply with respect to the tax imposed by this Supplement. (Added Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title I, § 102 (a), 55 Stat. 692.)

In applying the above schedule to determine the tax of a taxpayer with one or more dependents there shall be subtracted from his gross income \$400 for each such dependent. (Added Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title I, § 102 (a), 55 Stat. 689.)

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made applicable only with respect to taxable years beginning after Dec. 31, 1940, by section 118 thereof.

TREATY OBLIGATIONS

Section 108 of act Sept. 20, 1941, cited to text, provided as follows: "No amendment made by this title shall apply

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made applicable only with respect to taxable years beginning after Dec. 31, 1940, by section 118 thereof.

TREATY OBLIGATIONS

Section 108 of act Sept. 20, 1941, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States."

§ 404. Certain taxpayers not eligible.

This Supplement shall not apply to a nonresident alien individual, or an estate or trust. (Added Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title I, § 102 (a), 55 Stat. 692.)

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made applicable only with respect to taxable years beginning after Dec. 31, 1940, by section 118 thereof.

TREATY OBLIGATIONS

Section 108 of act Sept. 20, 1941, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States."

Chapter 2.—ADDITIONAL INCOME TAXES

SUBCHAPTER E—EXCESS PROFITS TAX

PART I

- Sec.
732. Review of abnormalities by board of tax appeals (New).
 (a) Petition to the board.
 (b) Deficiency found by board in case of claim.
 (c) Finality of determination.
733. Capitalization of advertising, etc., expenditures (New).
 (a) Election to charge to capital account.
 (b) Effect of election.
734. Adjustment in case of position inconsistent with prior income tax liability (New).
 (a) Definitions.
 (b) Circumstances of adjustment.
 (c) Method and effect of adjustment.
 (d) Ascertainment of amount of adjustment.

SUBCHAPTER A.—PERSONAL HOLDING COMPANIES

§ 500. Surtax on personal holding companies.

There shall be levied, collected, and paid, for each taxable year beginning after December 31, 1938, upon the undistributed subchapter A net income of every personal holding company (in addition to the taxes imposed by chapter 1) a surtax equal to the sum of the following:

- (1) 7½ per centum of the amount thereof not in excess of \$2,000; plus
- (2) 8½ per centum of the amount thereof in excess of \$2,000. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title I, § 110 (a), 55 Stat. 695.)

AMENDMENTS

1941—Section was formerly composed of two subsections, designated "(a)" and "(b)". Act Sept. 20, 1941, cited to text, struck out the heading of subsec. (a), amended pars. (1) and (2), and repealed subsec. (b), which related to defense tax for five years.

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made applicable only with respect to taxable years beginning after Dec. 31, 1940, by section 118 thereof.

TREATY OBLIGATIONS

Section 109 of act Sept. 20, 1941, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States"

§ 504. Undistributed subchapter A net income.

(a) The amount of the dividends paid credit provided in section 27 (a) without the benefit of paragraphs (3) and (4) thereof (computed without its reduction, under section 27 (b) (1), by the amount of the credit provided in section 26 (a), relating to interest on certain obligations of the United States and Government corporations); but, in the computation of the dividends paid credit for the purposes of this subchapter, the amount allowed under subsection (c) of this section or of section 405 of the Revenue Act of 1938 in the computation of the tax under this subchapter or under Title IA of the Revenue Act of 1938 for any preceding taxable year beginning after December 31, 1937 shall be considered as a dividend paid in such preceding taxable year and not in the year of distribution, and, in the computation of the dividend carry-over for the purposes of this subchapter, the term "adjusted net income" as used in section 27 (c) means the adjusted net income minus the deduction allowed for Federal taxes under section 505 (a) (1);

(b) Amounts used or irrevocably set aside to pay or to retire indebtedness of any kind incurred prior to January 1, 1934, if such amounts are reasonable with reference to the size and terms of such indebtedness;

(c) * * * *

* * * *

(3) * * * *

(A) The dividends paid during the taxable year (reduced by the amount allowed under this subsection in the computation of the tax under this subchapter for the taxable year preceding the taxable year or, in the case of a taxable year beginning in 1939, by the amount allowed under section 405 (c) of the Revenue Act of 1938 in the computation of the tax under Title IA of such Act for a taxable year beginning prior to January 1, 1939); and

(As amended Mar. 17, 1941, ch. 21, § 1, 55 Stat. 44, eff. Feb. 11, 1939.)

AMENDMENTS

1941—Subsecs (a), (b), and (c) (3) (A) were amended by res Mar 17, 1941, cited to text, eff. Feb 11, 1939.

§ 506. Deficiency dividends—credits and refunds.

c. Deficiency dividends.

(2) Effect on dividends paid credit—(A) For taxable year in which paid.

Deficiency dividends paid in any taxable year (to the extent of the portion thereof with respect to which the credit under subsection (a), or the credit or refund under subsection (b), or both, of this section or section 407 of the Revenue Act of 1938, are allowed) shall be subtracted from the basic surtax credit for such year, but only for the purpose of

computing the tax under this subchapter for such year and succeeding years.

(B) For prior taxable year.

Deficiency dividends paid in any taxable year (to the extent of the portion thereof with respect to which the credit under subsection (a), or the credit or refund under subsection (b), or both, of this section or section 407 of the Revenue Act of 1938, are allowed) shall not be allowed under section 504 (c) in the computation of the tax under this subchapter for any taxable year preceding the taxable year in which paid. (As amended Mar. 17, 1941, ch. 21, § 1, 55 Stat. 45, eff. Feb. 11, 1939.)

AMENDMENTS

1941—Subsec. (c) (2) was amended by res. Mar. 17, 1941, cited to text, eff. Feb. 11, 1939

SUBCHAPTER B.—DECLARED VALUE EXCESS-PROFITS TAX

§ 600. Rate of tax.

If any corporation is taxable under section 1200 with respect to any year ending June 30, there shall be imposed upon its net income for the income-tax taxable year ending after the close of such year, an¹ declared value excess-profits tax equal to the sum of the following:

6 $\frac{1}{2}$ per centum of such portion of its net income for such income-tax taxable year as is in excess of 10 per centum and not in excess of 15 per centum of the adjusted declared value;

13 $\frac{1}{2}$ per centum of such portion of its net income for such income-tax taxable year as is in excess of 15 per centum of the adjusted declared value. (As amended Sept. 20, 1941, 12:15 p. m. E. S. T., ch. 412, title III, § 302 (a), 55 Stat. 704.)

¹So in original. Probably should read "a".

AMENDMENTS

1941—Section was formerly composed of two subsections, designated "(a)" and "(b)". Act Sept. 20, 1941, cited to text, struck out the heading of subsec. (a), amended the rate schedule, and repealed subsec. (b), which related to defense tax for five years.

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made effective only with respect to income-tax taxable years ending after June 30, 1941, by section 302 (b) thereof.

§ 602. Net income.

For the purposes of this subchapter the net income shall be the same as the net income for income-tax purposes for the year in respect of which the tax under section 600 is imposed, computed without the deduction of the tax imposed by section 600 or the tax imposed by Subchapter E of Chapter 2, but with a credit against net income equal to the credit for dividends received provided in section 26 (b) of chapter 1. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title II, § 202 (h), 55 Stat. 701.)

AMENDMENTS

1941—Act Sept. 20, 1941, cited to text, inserted words "or the tax imposed by Subchapter E of Chapter 2".

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made applicable only with respect to taxable years beginning after Dec. 31, 1940, by section 205 thereof.

SUBCHAPTER E.—EXCESS PROFITS TAX

PART I

§ 710. Imposition of tax—(a) Imposition.—(1) General rule.

There shall be levied, collected, and paid, for each taxable year, on the adjusted excess profits net income, as defined in subsection (b), of every corporation (except a corporation exempt under section 727) the tax shown in the following table:

If the adjusted excess profits net income is:	The tax shall be:
Not over \$20,000-----	35% of the adjusted excess profits net income.
Over \$20,000, but not over \$50,000	\$7,000, plus 40% of excess over \$20,000.
Over \$50,000, but not over \$100,000.	\$19,000, plus 45% of excess over \$50,000.
Over \$100,000, but not over \$250,000.	\$41,500, plus 50% of excess over \$100,000
Over \$250,000, but not over \$500,000.	\$116,500, plus 55% of excess over \$250,000.
Over \$500,000-----	\$254,000, plus 60% of excess over \$500,000.

(2) Application of rates in case of certain exchanges.

If the taxpayer's highest bracket amount for the taxable year computed under section 752 (relating to certain exchanges) is less than \$500,000, then in the application of the table in paragraph (1) of this subsection to such taxpayer, in lieu of each amount, other than the percentages, specified in such table, there shall be substituted an amount which bears the same ratio to the amount so specified as the highest bracket amount so computed bears to \$500,000.

(b) Definition of adjusted excess profits net income. * * *

(3) Unused excess profits credit.

The amount of the excess profits credit carry-over for the taxable year, computed in accordance with subsection (c).

(c) Excess profits credit carry-over.

(1) Definition of unused excess profits credit.

The term "unused excess profits credit" means the excess, if any, of the excess profits credit for any taxable year beginning after December 31, 1939, over the excess profits net income for such taxable year, computed on the basis of the excess profits credit applicable to such taxable year. For such purpose the excess-profits credit and the excess-profits net income for any taxable year beginning in 1940 shall be computed under the law applicable to taxable years beginning in 1941.

(2) Computation of excess profits credit carry-over.

The excess profits credit carry-over for any taxable year shall be the sum of the following:

(A) The unused excess profits credit for the first preceding taxable year; and

(B) The unused excess profits credit for the second preceding taxable year reduced by the amount, if any, by which the excess profits net income for the first preceding taxable year exceeds the sum of—

(i) the excess profits credit for such first preceding taxable year, plus

(ii) the unused excess profits credit for the third preceding taxable year. (As amended Mar. 7, 1941, ch. 10, § 2, 55 Stat. 17, eff. Oct. 8, 1940, 11 p. m., E. S. T.; Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title II, §§ 201 (a), 202 (e), 55 Stat. 699, 701.)

AMENDMENTS

1941—Subsec. (a) was amended by act Sept. 20, 1941, § 201 (a), cited to text

Subsec. (b) (3) was amended by act Mar. 7, 1941, § 2 (a), cited to text, eff. Oct. 8, 1940, 11 p. m., E. S. T., by section 17 of that act

Subsec. (c) was added by act Mar. 7, 1941, § 2 (b), cited to text, eff. Oct. 8, 1940, 11 p. m., E. S. T., by section 17 of that act.

Subsec. (c) (1) was amended by act Sept. 20, 1941, § 202 (e), cited to text, which added the last sentence thereto

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made applicable only with respect to taxable years beginning after Dec. 31, 1940, by section 205 thereof.

§ 711. Excess profits net income.—(a) Taxable years beginning after December 31, 1939. * * *

(1) Excess profits credit computed under income credit. * * *

(A) Income taxes.

In computing such normal-tax net income the deduction for the tax imposed by this subchapter shall not be allowed;

* * *

(G) Computation of charitable, etc., deductions.

In determining any deduction the amount of which is limited to a percentage of the taxpayer's net income (or net income from the property), such net income (or net income from the property) shall be computed without regard to the deduction on account of the tax imposed by this subchapter.

(2) Excess profits credit computed under invested capital credit. * * *

(A) Dividends received.

The credit for dividends received shall apply, without limitation, to all dividends on stock of all corporations, except dividends (actual or constructive) on stock of foreign personal-holding companies. This subparagraph shall not apply to dividends on stock which is not a capital asset;

* * *

(C) Income taxes.

In computing such normal-tax net income the deduction for the tax imposed by this subchapter shall not be allowed;

* * *

(I) Computation of charitable, etc., deductions.

In determining any deduction the amount of which is limited to a percentage of the taxpayer's net income (or net income from the property), such net income (or net income from the property) shall be computed without regard to the deduction on account of the tax imposed by this subchapter.

* * *

(b) Taxable years in base period.

(1) General rule and adjustments. * * *

(A) Repealed. Sept. 20, 1941, 12:15 p. m. E. S. T., ch. 412, title II, § 202 (c) (2), 55 Stat. 701.

* * *

(G) Dividends received.

The credit for dividends received shall apply, without limitation, to dividends on stock of domestic corporations;

(H) Payment of judgments, and so forth.

Deductions attributable to any claim, award, judgment, or decree against the taxpayer, or interest on any of the foregoing, if abnormal for the taxpayer, shall not be allowed, and if normal for the taxpayer, but in excess of 125 per centum of the average amount of such deductions in the four previous taxable years, shall be disallowed in an amount equal to such excess;

(I) Intangible drilling and development costs.

Deductions attributable to intangible drilling and development costs paid or incurred in or for the drilling of wells or the preparation of wells for the production of oil or gas, and for development costs in the case of mines, if abnormal for the taxpayer, shall not be allowed, and if normal for the taxpayer, but in excess of 125 per centum of the average amount of such deductions in the four previous taxable years, shall be disallowed in an amount equal to such excess; and

(J) Abnormal deductions.

Under regulations prescribed by the Commissioner, with the approval of the Secretary, for the determination, for the purposes of this subparagraph, of the classification of deductions—

(i) Deductions of any class shall not be allowed if deductions of such class were abnormal for the taxpayer, and

(ii) If the class of deductions was normal for the taxpayer, but the deductions of such class were in excess of 125 per centum of the average amount of deductions of such class for the four previous taxable years, they shall be disallowed in an amount equal to such excess.

(K) Rules for application of subparagraphs (H), (I), and (J).

For the purposes of subparagraphs (H), (I), and (J)—

(i) If the taxpayer was not in existence for four previous taxable years, then such average amount specified in such subparagraphs shall be determined for the previous taxable years it was in existence and the succeeding taxable years which begin before the beginning of the taxpayer's second taxable year under this subchapter. If the number of such succeeding years is greater than the number necessary to obtain an aggregate of four taxable years there shall be omitted so many of such succeeding years, beginning with the last, as are necessary to reduce the aggregate to four.

(ii) Deductions shall not be disallowed under such subparagraphs unless the taxpayer establishes that the abnormality or excess is not a consequence of an increase in the gross income of the taxpayer in its base period or a decrease in the amount of some other deduction in its base period, and is not a consequence of a change at any time in the type, manner of operation, size, or condition of the business engaged in by the taxpayer.

(iii) The amount of deductions of any class to be disallowed under such subparagraphs with respect to any taxable year shall not exceed the amount by which the deductions of such class for such taxable year exceed the deductions of such class for the taxable year for which the tax under this subchapter is being computed. (As amended Mar. 7, 1941, ch. 10, §§ 3, 12 (b), 55 Stat. 13, 29, eff. Oct. 8, 1940, 11 p. m., E. S. T.; Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title II, § 202 (c), (d), 55 Stat. 700, 701.)

AMENDMENTS

1941—Subsecs. (a) (1) (A) and (a) (2) (C) were amended by act Sept. 20, 1941, § 202 (c) (1), cited to text. Subsecs. (a) (1) (G) and (a) (2) (I) were added by act Sept. 20, 1941, § 202 (d) (1), (2), respectively, cited to text.

Subsec. (a) (2) (A) was amended by act Mar. 7, 1941, § 12 (b), cited to text, eff. Oct. 8, 1940, 11 p. m., E. S. T., by section 17 of that act.

Subsec. (b) (1) (A), relating to income taxes, was repealed by act Sept. 20, 1941, § 202 (c) (2), cited to text.

Subsec. (b) (1) (G), formerly (b) (1) (I), was reenacted as (b) (1) (G) by act Mar. 7, 1941, § 3, cited to text, eff. Oct. 8, 1940, 11 p. m., E. S. T., by section 17 of that act. Former (b) (1) (G) was relettered (b) (1) (H) by said act Mar. 7, 1941, § 3.

Subsec. (b) (1) (H), formerly (b) (1) (G), was relettered (b) (1) (H) and amended by act Mar. 7, 1941, § 3, cited to text, eff. Oct. 8, 1940, 11 p. m., E. S. T., by section 17 of that act. Former (b) (1) (H) was relettered (b) (1) (I) by said act Mar. 7, 1941, § 3.

Subsec. (b) (1) (I), formerly (b) (1) (H), was relettered (b) (1) (I) and amended by act Mar. 7, 1941, § 3, cited to text, eff. Oct. 8, 1940, 11 p. m., E. S. T., by section 17 of that act. Former (b) (1) (I) was relettered (b) (1) (G) by said act Mar. 7, 1941, § 3.

Subsecs. (b) (1) (J), (K), were added by act Mar. 7, 1941, § 3, cited to text, eff. Oct. 8, 1940, 11 p. m., E. S. T., by section 17 of that act.

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made applicable only with respect to taxable years beginning after Dec. 31, 1940, by section 205 thereof.

§ 712. Excess profits credit—allowance—(a) Domestic corporations.

In the case of a domestic corporation which was in existence before January 1, 1940, the excess profits credit for any taxable year shall be an amount computed under section 713 or section 714, whichever amount results in the lesser tax under this subchapter for the taxable year for which the tax under this subchapter is being computed. In the case of all other domestic corporations the excess profits credit for any taxable year shall be an amount computed under section 714. (For allowance of excess profits credit in case of certain reorganizations of corporations, see section 741.)

(b) Foreign corporations.

In the case of a foreign corporation engaged in trade or business within the United States or having an office or place of business therein, the first taxable year of which under this subchapter begins on any date in 1940, which was in existence on the day forty-eight months prior to such date and which at any time during each of the taxable years in such forty-eight months was engaged in trade or business within the United States or had an office or place of business therein, the excess profits credit for any taxable year shall be an amount computed under

section 713 or section 714, whichever amount results in the lesser tax under this subchapter for the taxable year for which the tax under this subchapter is being computed. In the case of all other foreign corporations the excess profits credit for any taxable year shall be an amount computed under section 714.

(c) Effect of disclaimer of credit.

If the taxpayer states in its return for the taxable year under this subchapter that it disclaims the use of the credit computed under section 713 or the use of the credit computed under section 714, the credit so disclaimed shall not, for the purposes of the internal revenue laws, be applicable to the computation of the tax under this subchapter for such taxable year. (As amended Mar. 7, 1941, ch. 10, § 13, 55 Stat. 29, eff. Oct. 8, 1940, 11 p. m., E. S. T.)

AMENDMENTS

1941—Subsecs. (a) and (b) were amended by act Mar. 7, 1941, cited to text, eff. Oct. 8, 1940, 11 p. m., E. S. T., by section 17 of that act.

Subsec. (c) was added by act Mar. 7, 1941, cited to text, eff. Oct. 8, 1940, 11 p. m., E. S. T., by section 17 of that act.

§ 713. Excess profits credit—based on income—(a) Amount of excess profits credit.

(1) Domestic corporations.

In the case of a domestic corporation—

(A) 95 per centum of the average base period net income, as defined in subsection (d),

(B) Plus 8 per centum of the net capital addition as defined in subsection (g), or

(C) Minus 6 per centum of the net capital reduction as defined in subsection (g).

(b) Base period—(1) Definition.

As used in this section the term “base period”—

(A) If the corporation was in existence during the whole of the forty-eight months preceding the beginning of its first taxable year under this subchapter, means the period commencing with the beginning of its first taxable year beginning after December 31, 1935, and ending with the close of its last taxable year beginning before January 1, 1940; and

(B) In the case of a corporation which was in existence during only part of the forty-eight months preceding the beginning of its first taxable year under this subchapter, means the forty-eight months preceding the beginning of its first taxable year under this subchapter.

(2) Division into halves.

For the purposes of subsections (d) and (f) the base period of the taxpayer shall be divided into halves, the first half to be composed of one-half the entire number of months in the base period and to begin with the beginning of the base period.

(c) Deficit in excess profits net income.

For the purposes of this section the term “deficit in excess profits net income” with respect to any taxable year means the amount by which the deductions plus the credit for dividends received exceeded the gross income. For the purposes of this subsection in determining whether there was such

an excess and in determining the amount thereof, the adjustments provided in section 711 (b) (1) shall be made.

(d) Average base period net income—determination—
(1) Definition.

For the purposes of this section the average base period net income of the taxpayer shall be the amount determined under subsection (e), subject to the exception that if the aggregate excess profits net income for the last half of its base period, reduced by the aggregate of the deficits in excess profits net income for such half, is greater than such aggregate so reduced for the first half, then the average base period net income shall be the amount determined under subsection (f), if greater than the amount determined under subsection (e).

(2) For the purposes of subsections (e) and (f), if the taxpayer was in existence during only part of the 48 months preceding the beginning of its first taxable year under this subchapter, its excess profits net income—

(A) for each taxable year of twelve months (beginning with the beginning of its base period) during which it was not in existence, shall be an amount equal to 8 per centum of the excess of—

(i) the daily invested capital for the first day of the taxpayer's first taxable year beginning after December 31, 1939, over

(ii) an amount equal to the same percentage of such daily invested capital as is applicable under section 720 in reduction of the average invested capital of the preceding taxable year;

(B) for the taxable year of less than twelve months consisting of that part of the remainder of its base period during which it was not in existence, shall be the amount ascertained for a full year under subparagraph (A), multiplied by the number of days in such taxable year of less than twelve months and divided by the number of days in the twelve months ending with the close of such taxable year.

(3) In no case shall the average base period net income be less than zero.

(4) For the computation of average base period net income in the case of certain reorganizations, see section 742.

(e) Average base period net income—general average.

The average base period net income determined under this subsection shall be determined as follows:

(1) By computing the aggregate of the excess profits net income for each of the taxable years of the taxpayer in the base period, reduced, if for more than one of such taxable years there was a deficit in excess profits net income, by the sum of such deficits, excluding the greatest;

(2) By dividing the amount ascertained under paragraph (1) by the total number of months in all such taxable years; and

(3) By multiplying the amount ascertained under paragraph (2) by twelve.

(f) Average base period net income—increased earnings in last half of base period.

The average base period net income determined under this subsection shall be determined as follows:

(1) By computing, for each of the taxable years of the taxpayer in its base period, the excess profits net income for such year, or the deficit in excess profits net income for such year;

(2) By computing for each half of the base period the aggregate of the excess profits net income for each of the taxable years in such half, reduced, if for one or more of such years there was a deficit in excess profits net income, by the sum of such deficits. For the purposes of such computation, if any taxable year is partly within each half of the base period there shall be allocated to the first half an amount of the excess profits net income or deficit in excess profits net income, as the case may be, for such taxable year, which bears the same ratio thereto as the number of months falling within such half bears to the entire number of months in such taxable year; and the remainder shall be allocated to the second half;

(3) If the amount ascertained under paragraph (2) for the second half is greater than the amount ascertained for the first half, by dividing the difference by two;

(4) By adding the amount ascertained under paragraph (3) to the amount ascertained under paragraph (2) for the second half of the base period;

(5) By dividing the amount found under paragraph (4) by the number of months in the second half of the base period and by multiplying the result by twelve;

(6) The amount ascertained under paragraph (5) shall be the average base period net income determined under this subsection, except that the average base period net income determined under this subsection shall in no case be greater than the highest excess profits net income for any taxable year in the base period. For the purpose of such limitation if any taxable year is of less than twelve months, the excess profits net income for such taxable year shall be placed on an annual basis by multiplying by twelve and dividing by the number of months included in such taxable year.

(7) For the purposes of this subsection, the excess profits net income for any taxable year ending after May 31, 1940, shall not be greater than an amount computed as follows:

(A) By reducing the excess profits net income by an amount which bears the same ratio thereto as the number of months after May 31, 1940, bears to the total number of months in such taxable year; and

(B) By adding to the amount ascertained under subparagraph (A) an amount which bears the same ratio to the excess profits net income for the last preceding taxable year as such number of months after May 31, 1940, bears to the number of months in such preceding year. The amount added under this subparagraph shall not exceed the amount of the excess profits net income for such last preceding taxable year.

(C) If the number of months in such preceding taxable year is less than such number of months after May 31, 1940, by adding to the amount ascertained under subparagraph (B) an amount which bears the same ratio to the excess profits net income for the second preceding taxable year as the excess

of such number of months after May 31, 1940, over the number of months in such preceding taxable year bears to the number of months in such second preceding taxable year.

(g) Adjustments in excess profits credit on account of capital changes.

For the purposes of this section—

(1) The net capital addition for the taxable year shall be the excess, divided by the number of days in the taxable year, of the aggregate of the daily capital addition for each day of the taxable year over the aggregate of the daily capital reduction for each day of the taxable year.

(2) The net capital reduction for the taxable year shall be the excess, divided by the number of days in the taxable year, of the aggregate of the daily capital reduction for each day of the taxable year over the aggregate of the daily capital addition for each day of the taxable year.

(3) The daily capital addition for any day of the taxable year shall be the aggregate of the amounts of money and property paid in for stock, or as paid-in surplus, or as a contribution to capital, after the beginning of the taxpayer's first taxable year under this subchapter and prior to such day. In determining the amount of any property paid in, such property shall be included in an amount determined in the manner provided in section 718 (a) (2). A distribution by the taxpayer to its shareholders in its stock or rights to acquire its stock shall not be regarded as money or property paid in for stock, or as paid-in surplus, or as a contribution to capital. The amount ascertained under this paragraph shall be reduced by the excess, if any, of the excluded capital for such day over the excluded capital for the first day of the taxpayer's first taxable year under this subchapter. For the purposes of this paragraph the excluded capital for any day shall be an amount equal to the sum of the following:

(A) The aggregate of the adjusted basis (for determining loss upon sale or exchange) as of the beginning of such day, of obligations held by the taxpayer at the beginning of such day, which are described in section 22 (b) (4) (A), (B), or (C) any part of the interest from which is excludible from gross income or allowable as a credit against net income; and

(B) The aggregate of the adjusted basis (for determining loss upon sale or exchange) as of the beginning of such day, of stock of domestic corporations held by the taxpayer at the beginning of such day.

The daily capital addition shall in no case be less than zero. (For daily capital additions and reductions in case of certain reorganizations, see section 743.)

(4) The daily capital reduction for any day of the taxable year shall be the aggregate of the amounts of distributions to shareholders, not out of earnings and profits, after the beginning of the taxpayer's first taxable year under this subchapter and prior to such day. (As amended Mar. 7, 1941, ch. 10, § 4 (a)-(c), 55 Stat. 19, eff. Oct. 8, 1940, 11 p. m., E. S. T.)

AMENDMENTS

1941—Subsec (a) (1) was amended by act Mar. 7, 1941, § 4 (a), cited to text, eff. Oct. 8, 1940, 11 p. m., E. S. T., by section 17 of that act.

Subsecs. (b)-(f), formerly (b), were amended to be (b)-(f) by act Mar. 7, 1941, § 4 (b), cited to text, eff. Oct. 8, 1940, 11 p. m., E. S. T., by section 17 of that act. Former (c) was relettered (g) by act Mar. 7, 1941, § 4 (c), cited to text.

Subsec (g), formerly (c), was relettered (g) by act Mar. 7, 1941, § 4 (c), cited to text, eff. Oct. 8, 1940, 11 p. m., E. S. T., by section 17 of that act.

§ 714. Excess profits credit—based on invested capital.

The excess profits credit, for any taxable year, computed under this section, shall be the amount shown in the following table:

If the invested capital for the taxable year, determined under section 715, is:	The credit shall be:
Not over \$5,000,000-----	8% of the invested capital.
Over \$5,000,000-----	\$400,000, plus 7% of the excess over \$5,000,000.

(As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title II, § 201 (b), 55 Stat. 699.)

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made applicable only with respect to taxable years beginning after Dec. 31, 1940, by section 205 thereof.

§ 718. Equity invested capital—(a) Definition.

(4) Earnings and profits at beginning of year.

The accumulated earnings and profits as of the beginning of such taxable year;

(5) Increase on account of gain on tax-free liquidation.

In the case of the previous receipt of property (other than property described in the last sentence of section 113 (a) (15)) by the taxpayer in complete liquidation of another corporation under section 112 (b) (6), or the corresponding provision of a prior revenue law, an amount, with respect to each such liquidation, equal to the amount by which the aggregate of the amount of the money so received and of the adjusted basis, at the time of receipt, of all property (other than money) so received, exceeds the sum of:

(A) The aggregate of the adjusted basis of each share of stock with respect to which such property was received; such adjusted basis of each share to be determined immediately prior to the receipt of any property in such liquidation with respect to such share, and

(B) The aggregate of the liabilities of such other corporation assumed by the taxpayer in connection with the receipt of such property, of the liabilities (not assumed by the taxpayer) to which such property so received was subject, and of any other consideration (other than the stock with respect to which such property was received) given by the taxpayer for such property so received; and

(6) New capital.

An amount equal to 25 per centum of the new capital for such day. The term "new capital" for any day means so much of the amounts of money or property includible for such day under paragraphs (1) and (2) as was previously paid in during a tax-

able year beginning after December 31, 1940, and so much of the distributions in stock includible for such day under paragraph (3) as was previously made during a taxable year beginning after December 31, 1940, subject to the following limitations:

(A) There shall not be included money or property paid in by a corporation in an exchange to which section 112 (b) (3), (4), or (5), or so much of section 112 (c), (d), or (e) as refers to section 112 (b) (3), (4), or (5) is applicable (or would be applicable except for section 371 (g)), or would have been applicable if the term "control" had been defined in section 112 (h) to mean the ownership of stock possessing more than 50 per centum of the total combined voting power of all classes of stock entitled to vote or more than 50 per centum of the total value of shares of all classes of stock.

(B) There shall not be included money or property paid in to the taxpayer by a transferor corporation if immediately after such transaction the transferor and the taxpayer are members of the same controlled group. As used in this subparagraph and subparagraph (C), a controlled group means one or more chains of corporations connected through stock ownership with a common parent corporation if (i) more than 50 per centum of the total combined voting power of all classes of stock entitled to vote, or more than 50 per centum of the total value of shares of all classes of stock, of each of the corporations (except the common parent corporation) is owned directly by one or more of the other corporations, and (ii) the common parent corporation owns directly more than 50 per centum of the total combined voting power of all classes of stock entitled to vote, or more than 50 per centum of the total value of shares of all classes of stock, of at least one of the other corporations.

(C) There shall not be included a distribution in stock described in paragraph (3) made to another corporation, if immediately after the distribution the taxpayer and the distributee are members of the same controlled group.

(D) *Increase in Inadmissible Assets.*—The new capital for any day of the taxable year, computed without the application of subparagraph (E), shall be reduced by the excess, if any, of the amount computed under section 720 (b) with respect to inadmissible assets held on such day, over the amount computed under section 720 (b) with respect to inadmissible assets held on the first day of the taxpayer's first taxable year beginning after December 31, 1940. For the purposes of this subparagraph, in determining whether obligations which are described in section 22 (b) (4) any part of the interest from which is excludible from gross income or allowable as a credit against net income are to be treated as admissible or inadmissible assets, such obligations shall be treated in the same manner as they are treated for the taxable year for which tax under this subchapter is being computed.

(E) *Maximum New Capital Allowable.*—The new capital for any day of the taxable year shall not be more than the amount, if any, by which—

(i) the sum of the equity invested capital (computed without regard to this paragraph) and the

borrowed capital (as defined in section 719 (a)) of the taxpayer as of such day, reduced by the amount of money or property paid in which is excluded by reason of the limitation of subparagraph (A) or (B) of this paragraph, exceeds

(ii) the sum of such equity invested capital and borrowed capital as of the beginning of the first day of such taxpayer's first taxable year beginning after December 31, 1940, reduced by the amount, if any, by which the accumulated earnings and profits as of such first day of such first taxable year exceed the accumulated earnings and profits (computed without regard to distributions made in taxable years beginning after December 31, 1940) as of the beginning of the first day of the taxable year for which the tax under this subchapter is being computed.

(F) *Reduction on Account of Distributions Out of Pre-1941 Accumulated Earnings and Profits.*—The new capital for any day of the taxable year, computed without the application of subparagraph (E), shall be reduced by the amount which, after the beginning of the first taxable year which begins after December 31, 1940, has been distributed out of earnings and profits accumulated prior to the beginning of such first taxable year.

* * * * *

(c) Rules for application of subsections (a) and (b).

* * * * *

(3) Computation of earnings and profits of taxable year.

For the purposes of subsections (a) (3) (B) and (b) (2) in determining whether a distribution is out of the earnings and profits of any taxable year, such earnings and profits shall be computed as of the close of such taxable year without diminution by reason of any distribution made during such taxable year or by reason of the tax under this subchapter or chapter 1 for such year and the determination shall be made without regard to the amount of earnings and profits at the time the distribution was made. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title II, §§ 202 (f), 203, 55 Stat. 701, 702.)

* * * * *

¹ So in original.

AMENDMENTS

1941—Subsecs. (a) (4) and (a) (5) were amended formally and subsec. (a) (6) was added by act Sept. 20, 1941, § 203, cited to text.

Subsec. (c) (3) was amended by act Sept. 20, 1941, § 202 (f), cited to text.

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made applicable only with respect to taxable years beginning after Dec. 31, 1940, by section 205 thereof.

§ 720. Admissible and inadmissible assets—(a) Definitions.

* * * * *

(1) * * *

(A) Stock in corporations except stock in a foreign personal-holding company, and except stock which is not a capital asset; and

* * * * *

(As amended Mar. 7, 1941, ch. 10, § 12 (a), 55 Stat. 29, eff. Oct. 8, 1940, 11 p. m., E. S. T.)

AMENDMENTS

1941—Subsec. (a) (1) (A) was amended by act Mar. 7, 1941, cited to text, eff. Oct. 8, 1940, 11 p. m., E. S. T., by section 17 of that act

§ 721. Abnormalities in income in taxable period—(a) Definitions.

For the purposes of this section—

(1) Abnormal income.

The term "abnormal income" means income of any class includible in the gross income of the taxpayer for any taxable year under this subchapter if it is abnormal for the taxpayer to derive income of such class, or, if the taxpayer normally derives income of such class but the amount of such income of such class includible in the gross income of the taxable year is in excess of 125 per centum of the average amount of the gross income of the same class for the four previous taxable years, or, if the taxpayer was not in existence for four previous taxable years, the taxable years during which the taxpayer was in existence.

(2) Separate classes of income.

Each of the following subparagraphs shall be held to describe a separate class of income:

(A) Income arising out of a claim, award, judgment, or decree, or interest on any of the foregoing; or

(B) Income constituting an amount payable under a contract the performance of which required more than 12 months; or

(C) Income resulting from exploration, discovery, prospecting, research, or development of tangible property, patents, formulae, or processes, or any combination of the foregoing, extending over a period of more than 12 months; or

(D) Income includible in gross income for the taxable year rather than for a different taxable year by reason of a change in the taxpayer's accounting period or method of accounting; or

(E) In the case of a lessor of real property, income included in gross income for the taxable year by reason of the termination of the lease; or

(F) Income consisting of dividends on stock of foreign corporations, except foreign personal holding companies.

All the income which is classifiable in more than one of such subparagraphs shall be classified under the one which the taxpayer irrevocably elects. The classification of income of any class not described in subparagraphs (A) to (F), inclusive, shall be subject to regulations prescribed by the Commissioner with the approval of the Secretary.

(3) Net abnormal income.

The term "net abnormal income" means the amount of the abnormal income less, under regulations prescribed by the Commissioner with the approval of the Secretary, (A) 125 per centum of the average amount of the gross income of the same class determined under paragraph (1), and (B) an amount which bears the same ratio to the amount of any direct costs or expenses, deductible in determining the normal-tax net income of the taxable

year, through the expenditure of which such abnormal income was in whole or in part derived as the excess of the amount of such abnormal income over 125 per centum of such average amount bears to the amount of such abnormal income.

(b) Amount attributable to other years.

The amount of the net abnormal income that is attributable to any previous or future taxable year or years shall be determined under regulations prescribed by the Commissioner with the approval of the Secretary. In the case of amounts otherwise attributable to future taxable years, if the taxpayer either transfers substantially all its properties or distributes any property in complete liquidation, then there shall be attributable to the first taxable year in which such transfer or distribution occurs (or if such year is previous to the taxable year in which the abnormal income is includible in gross income, to such latter taxable year) all amounts so attributable to future taxable years not included in the gross income of a previous taxable year.

(c) Computation of tax for current taxable year.

The tax under this subchapter for the taxable year, in which the whole of such abnormal income would without regard to this section be includible, shall not exceed the sum of:

(1) The tax under this subchapter for such taxable year computed without the inclusion in gross income of the portion of the net abnormal income which is attributable to any other taxable year, and

(2) The aggregate of the increase in the tax under this subchapter which would have resulted for each previous taxable year to which any portion of such net abnormal income is attributable, computed as if an amount equal to such portion had been included in the gross income for such previous taxable year.

(d) Computation of tax for future taxable year.

The amount of the net abnormal income attributable to any future taxable year shall, for the purposes of this subchapter, be included in the gross income for such taxable year. The tax under this subchapter for such future taxable year shall not exceed the sum of—

(1) the tax under this subchapter for such future taxable year computed without the inclusion in excess profits net income of the portion of such net abnormal income which is attributable to such year, and

(2) the decrease in the tax under this subchapter for the previous taxable year in which the whole of such abnormal income would without regard to this section be includible, which resulted by reason of the exclusion of the whole or a part of the abnormal income from the gross income for such previous taxable year; but the amount of such decrease shall be diminished by the aggregate of the increases in the tax under this subchapter which have resulted for the taxable years intervening between such previous taxable year and such future taxable year because of the inclusion in the gross income of the portions of such net abnormal income attributable to such intervening years. (As amended Mar. 7, 1941, ch. 10, § 5, 55 Stat. 21, eff. Oct. 8, 1940, 11 p. m., E. S. T.)

§722. Adjustment of abnormal base period net income—(a) General rule.

In the case of a taxpayer whose first taxable year under this subchapter begins in 1940, if the taxpayer establishes—

(1) that the character of the business engaged in by the taxpayer as of January 1, 1940, is different from the character of the business engaged in during one or more of the taxable years in its base period (as defined in section 713 (b) (1)); or

(2) that in one or more of the taxable years in such base period normal production, output, or operation was interrupted or diminished because of the occurrence of events abnormal in the case of such taxpayer; and

(3) the amount that would have been its average base period net income—

(A) if the character of the business as of January 1, 1940, had been the same during each of the taxable years of such base period; and

(B) if none of the abnormal events referred to in paragraph (2) had occurred; and

(C) if in each of such taxable years none of the items of gross income had been abnormally large, and none of the items of deductions had been abnormally small; and

(4) that the amount established under paragraph (3) is greater than the average base period net income computed under section 713 (d) or section 742, as the case may be, then the amount established under paragraph (3) shall be considered as the average base period net income of the taxpayer for the purposes of this subchapter.

(b) Rules for application of subsection (a).

For the purposes of subsection (a)—

(1) High prices of materials, labor, capital, or any other agent of production, low selling price of the product of the taxpayer, or low physical volume of sales owing to low demand for such product or for the output of the taxpayer, shall not be considered as abnormal.

(2) The character of the business engaged in by the taxpayer as of January 1, 1940, shall be considered different from the character of the business engaged in during one or more of the taxable years in its base period only if—

(A) there is a difference in the products or services furnished; or

(B) there is a difference in the capacity for production or operation; or

(C) there is a difference in the ratio of non-borrowed capital to total capital; or

(D) the taxpayer was in existence during only part of its base period; or

(E) the taxpayer acquired, before January 1, 1940, all or part of the assets of a competitor, with the result that the competition of such competitor was eliminated or diminished.

(3) The average base period net income determined under subsection (a) (3) shall be computed in the same manner as provided in section 713 (d), except paragraphs (2) and (4), but for such purposes computing excess profits net income and

deficit in excess profits net income on the basis of the assumptions made in subsection (a) (3).

(4) If subsection (a) (1), or both subsections (a) (1) and (a) (2) are applicable to any taxpayer, its average base period net income under subsection (a) (3) shall not exceed the excess profits net income (as computed for the purposes of subsection (a) (3)) for the last taxable year in such base period. For the purposes of this paragraph, if such last taxable year is of less than twelve months, the excess profits net income for such taxable year shall be placed on an annual basis by multiplying by twelve and dividing by the number of months included in such taxable year.

(c) Limitation on application of general rule.

This section shall not be applicable unless—

(1) the tax under this subchapter for the taxable year computed without reference to this section, exceeds 6 per centum of the taxpayer's normal-tax net income for such year; and

(2) the application of this section would result in a diminution of the tax otherwise payable under this subchapter for the taxable year by more than 10 per centum thereof.

For the purposes of this subsection and subsection (d) the taxpayer's normal-tax net income shall be computed without deduction of the tax imposed by this subchapter.

(d) Extent of reduction in tax under this section.

The application of this section shall not reduce the tax payable under this subchapter for the taxable year below 6 per centum of the taxpayer's normal-tax net income for such year. The tax under this subchapter computed with the application of subsection (a) shall be increased by an amount equal to 10 per centum of the tax computed without reference to this section.

(e) Application for relief under this section.

The taxpayer shall compute its tax and file its return under this subchapter without the application of this section. The benefits of this section shall not be allowed unless the taxpayer, within six months from the date prescribed by law for the filing of its return, makes application therefor in accordance with regulations to be prescribed by the Commissioner with the approval of the Secretary, except that if the Commissioner in the case of any taxpayer with respect to the tax liability of any taxable year—

(1) issues a preliminary notice stating a deficiency in the tax imposed by this subchapter such taxpayer may, within ninety days after the date of such notice, make such application, or

(2) mails a notice of deficiency (A) without having previously issued a preliminary notice thereof or (B) within ninety days after the date of such preliminary notice, such taxpayer may claim the benefits of this section in its petition to the Board or in an amended petition in accordance with the rules of the Board.

If the application is not filed within six months after the date prescribed by law for the filing of the return, the application of this section shall not reduce the tax otherwise determined under this

subchapter by an amount in excess of the amount of the deficiency finally determined under this subchapter without the application of this section. If the average base period net income has been determined under subsection (a) for any taxable year, the Commissioner may, by regulations approved by the Secretary, prescribe the extent to which the limitations prescribed by this subsection may be waived for the purpose of determining the tax under this subchapter for a subsequent taxable year. (As amended Mar. 7, 1941, ch. 10, § 6, 55 Stat. 23, eff. Oct. 8, 1940, 11 p. m., E. S. T.; Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title II, § 202 (g), 55 Stat. 701.)

AMENDMENTS

1941—Section was amended generally by act Mar. 7, 1941, cited to text.

Subsec. (c) was amended by act Sept. 20, 1941, cited to text, which added last sentence thereto.

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made applicable only with respect to taxable years beginning after Dec 31, 1940, by section 205 thereof.

§ 729. Laws applicable.

(b) Returns—(1) Computation of excess profits credits.

In the case of a taxpayer which under section 712 or section 741 is entitled to have the excess profits credit computed under section 713 or section 714, whichever results in the lesser tax under this subchapter, the return under this subchapter for any taxable year shall contain computations of two tentative taxes, one with the credit computed under section 713 and one with the credit computed under section 714; and the return shall contain all information which the Commissioner, by regulations prescribed by him with the approval of the Secretary, may prescribe as necessary for such computations. If the taxpayer states in such return that it disclaims the use of one of such credits in the computation of the tax under this subchapter for the taxable year, the computation and information based on such credit may be omitted from the return.

(2) No return required.

Notwithstanding subsection (a), no return under section 52 (a) shall be required to be filed by any taxpayer under this subchapter for any taxable year for which its excess profits net income, computed with the adjustments provided in section 711 (a) (2) and placed on an annual basis as provided in section 711 (a) (3), is not greater than \$5,000. (As amended Mar. 7, 1941, ch. 10, § 16, 55 Stat. 30, eff. Oct. 8, 1941, 11 p. m., E. S. T.)

AMENDMENTS

1941—Subsec. (b) was amended by act Mar. 7, 1941, cited to text, eff. Oct. 8, 1940, 11 p. m., E. S. T., by section 17 of that act. Amendment added subsec. (b) (1) and renumbered former subsec. (b) to be (b) (2).

§ 730. Consolidated returns.

(e) Definition of "includible corporation."

(6) Insurance companies subject to taxation under section 201 or 207. (As amended Mar. 7, 1941, ch. 10, § 7, 55 Stat. 25, eff. Oct. 8, 1940, 11 p. m., E. S. T.)

AMENDMENTS

1941—Subsec. (e) (6) was amended by act Mar. 7, 1941, cited to text, eff. Oct. 8, 1940, 11 p. m., E. S. T., by section 17 of that act.

TERMINATION OF APPLICABILITY OF SECTION

This section was made inapplicable with respect to any taxable year beginning after Dec 31, 1940, by act Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title II, § 204, 55 Stat. 703.

§ 732. Review of abnormalities by board of tax appeals—(a) Petition to the board.

If a claim for refund of tax under this subchapter for any taxable year is disallowed in whole or in part by the Commissioner, and the disallowance relates to the application of section 711 (b) (1) (H), (I), (J), or (K), section 721, or section 722, relating to abnormalities, the Commissioner shall send notice of such disallowance to the taxpayer by registered mail. Within ninety days after such notice is mailed (not counting Sunday or a legal holiday in the District of Columbia as the ninetieth day) the taxpayer may file a petition with the Board of Tax Appeals for a redetermination of the tax under this subchapter. If such petition is so filed, such notice of disallowance shall be deemed to be a notice of deficiency for all purposes relating to the assessment and collection of taxes or the refund or credit of overpayments.

(b) Deficiency found by board in case of claim.

If the Board finds that there is no overpayment of tax in respect of any taxable year in respect of which the Commissioner has disallowed, in whole or in part, a claim for refund described in subsection (a) and the Board further finds that there is a deficiency for such year, the Board shall have jurisdiction to determine the amount of such deficiency and such amount shall, when the decision of the Board becomes final, be assessed and shall be paid upon notice and demand from the collector.

(c) Finality of determination.

If in the determination of the tax liability under this subchapter the determination of any question is necessary solely by reason of section 711 (b) (1) (H), (I), (J), or (K), section 721, or section 722, the determination of such question shall not be reviewed or redetermined by any court or agency except the Board. (Added Mar. 7, 1941, ch. 10, § 9, 55 Stat. 26, eff. Oct. 8, 1940, 11 p. m., E. S. T.)

§ 733. Capitalization of advertising, etc., expenditures—(a) Election to charge to capital account.

For the purpose of computing the excess profits credit, a taxpayer may elect, within six months after the date prescribed by law for filing its return for its first taxable year under this subchapter, to charge to capital account so much of the deductions for taxable years in its applicable base period on account of expenditures for advertising or the promotion of good will, as, under rules and regulations prescribed by the Commissioner with the approval of the Secretary, may be regarded as capital investments. Such

election must be the same for all such taxable years, and must be for the total amount of such expenditures which may be so regarded as capital investments. In computing the excess profits credit, no amount on account of such expenditures shall be charged to capital account:

(1) For taxable years in the base period unless the election authorized in subsection (a) is exercised, or

(2) For any taxable year prior to the beginning of the base period.

(b) Effect of election.

If the taxpayer exercises the election authorized under subsection (a)—

(1) The net income for each taxable year in the base period shall be considered to be the net income computed with such deductions disallowed, and such deductions shall not be considered as having diminished earnings and profits. This paragraph shall be retroactively applied as if it were a part of the law applicable to each taxable year in the base period; and

(2) The treatment of such expenditures as deductions for a taxable year in the base period shall, for the purposes of section 734 (b) (2), be considered treatment which was not correct under the law applicable to such year. (Added Mar. 7, 1941, ch. 10, § 10 (a), 55 Stat. 26, eff. Oct. 8, 1940, 11 p. m., E. S. T.)

§ 734. Adjustment in case of position inconsistent with prior income tax liability—(a) Definitions.

For the purposes of this section—

(1) Taxpayer.

The term "taxpayer" means any person subject to a tax under the applicable revenue Act.

(2) Income tax.

The term "income tax" means an income tax imposed by chapter 1 or chapter 2A of this title; Title I and Title IA of the Revenue Acts of 1938, 1936, and 1934; Title I of the Revenue Acts of 1932 and 1928; Title II of the Revenue Acts of 1926 and 1924; Title II of the Revenue Acts of 1921 and 1918; Title I of the Revenue Act of 1917; Title I of the Revenue Act of 1916; or section II of the Act of October 3, 1913; a war profits or excess profits tax imposed by Title III of the Revenue Acts of 1921 and 1918; or Title II of the Revenue Act of 1917; or an income, war profits, or excess profits tax imposed by any of the foregoing provisions, as amended or supplemented.

(3) Prior taxable year.

A taxable year beginning after December 31, 1939, shall not be considered a prior taxable year.

(b) Circumstances of adjustment.

(1) If—

(A) in determining at any time the tax of a taxpayer under this subchapter an item affecting the determination of the excess profits credit is treated in a manner inconsistent with the treatment accorded such item in the determination of the income-tax liability of such taxpayer or a predecessor for a prior taxable year or years, and

(B) the treatment of such item in the prior taxable year or years consistently with the determina-

tion under this subchapter would effect an increase or decrease in the amount of the income taxes previously determined for such taxable year or years, and

(C) on the date of such determination of the tax under this subchapter correction of the effect of the inconsistent treatment in any one or more of the prior taxable years is prevented (except for the provisions of section 3801) by the operation of any law or rule of law (other than section 3761, relating to compromises),

then the correction shall be made by an adjustment under this section. If in a subsequent determination of the tax under this subchapter for such taxable year such inconsistent treatment is not adopted, then the correction shall not be made in connection with such subsequent determination.

(2) Such adjustment shall be made only if there is adopted in the determination a position maintained by the Commissioner (in case the net effect of the adjustment would be a decrease in the income taxes previously determined for such year or years) or by the taxpayer with respect to whom the determination is made (in case the net effect of the adjustment would be an increase in the income taxes previously determined for such year or years) which position is inconsistent with the treatment accorded such item in the prior taxable year or years which was not correct under the law applicable to such year.

(c) Method and effect of adjustment.

(1) The adjustment authorized by subsection (b), in the amount ascertained as provided in subsection (d), if a net increase shall be added to, and if a net decrease shall be subtracted from, the tax otherwise computed under this subchapter for the taxable year with respect to which such inconsistent position is adopted.

(2) If more than one adjustment under this section is made because more than one inconsistent position is adopted with respect to one taxable year under this subchapter, the separate adjustments, each an amount ascertained as provided in subsection (d), shall be aggregated, and the aggregate net increase or decrease shall be added to or subtracted from the tax otherwise computed under this subchapter for the taxable year with respect to which such inconsistent positions are adopted.

(3) If all the adjustments under this section, made on account of the adoption of an inconsistent position or positions with respect to one taxable year under this subchapter, result in an aggregate net increase, the tax imposed by this subchapter shall in no case be less than the amount of such aggregate net increase.

(d) Ascertainment of amount of adjustment.

In computing the amount of an adjustment under this section there shall first be ascertained the amount of the income taxes previously determined for each of the prior taxable years for which correction is prevented. The amount of each such tax previously determined for each such taxable year shall be (1) the tax shown by the taxpayer, or by the predecessor, upon the return for such prior taxable year, increased by the amounts pre-

viously assessed (or collected without assessment) as deficiencies, and decreased by the amounts previously abated, credited, refunded, or otherwise repaid in respect of such tax; or (2) if no amount was shown as the tax by such taxpayer or such predecessor upon the return, or if no return was made by such taxpayer or such predecessor, then the amounts previously assessed (or collected without assessment) as deficiencies, but such amounts previously assessed, or collected without assessment, shall be decreased by the amounts previously abated, credited, refunded, or otherwise repaid in respect of such tax. There shall then be ascertained the increase or decrease in each such tax previously determined for each such year which results solely from the treatment of the item consistently with the treatment accorded such item in the determination of the tax liability under this subchapter. To the increase or decrease so ascertained for each such tax for each such year there shall be added interest thereon computed as if the increase or decrease constituted a deficiency or an overpayment, as the case may be, for such prior taxable year. There shall be ascertained the difference between the aggregate of such increases, plus the interest attributable to each, and the aggregate of such decreases, plus the interest attributable to each, and the net increase or decrease so ascertained shall be the amount of the adjustment under this section with respect to the inconsistent treatment of such item. (Added Mar. 7, 1941, ch. 10, § 11, 55 Stat. 27, eff. Oct. 8, 1940, 11 p. m., E. S. T.)

PART II.—RULES IN CONNECTION WITH CERTAIN EXCHANGES

SUPPLEMENT A.—EXCESS PROFITS CREDIT BASED ON INCOME

§ 740. Definitions.

* * * *

(a) Acquiring corporation.

* * * *

(C) before October 1, 1940, properties of another corporation solely as paid-in surplus or a contribution to capital in respect of voting stock owned by such other corporation, or

(D) Substantially all the properties of a partnership in an exchange to which section 112 (b) (5), or so much of section 112 (c) or (e) as refers to section 112 (b) (5), or to which a corresponding provision of a prior revenue law, is or was applicable.

* * * *

(b) Component corporation.

* * * *

(4) In the case of a statutory consolidation, all corporations consolidated, except the corporation resulting from the consolidation; or

(5) In the case of a transaction specified in subsection (a) (1) (D), the partnership whose properties were acquired.

* * * *

(h) Sole proprietorship.

For the purposes of sections 740 (a) (1) (D), 740 (b) (5), and 742 (g), a business owned by a sole proprietorship shall be considered a partnership.

(As amended Mar. 7, 1941, ch. 10, § 8 (a)-(c). 55 Stat. 25, eff. Oct. 8, 1940, 11 p. m., E. S. T.)

AMENDMENTS

1941—Subsecs. (a) (1) (C) and (b) (4) were amended by act Mar. 7, 1941, § 8 (a) and (b), respectively, cited to text, eff. Oct. 8, 1940, 11 p. m., E. S. T., by section 17 of that act.

Subsecs. (a) (1) (D), (b) (5), and (h) were added by act Mar. 7, 1941, § 8 (a), (b), and (c), respectively, cited to text, eff. Oct. 8, 1940, 11 p. m., E. S. T., by section 17 of that act.

§ 741. Allowance of excess profits credit—(a) Allowance.

In the case of a taxpayer which is an acquiring corporation which was in existence on the date of the beginning of its base period, the excess profits credit for any taxable year shall be an amount computed under section 713 or section 714, whichever amount results in the lesser tax under this subchapter for the taxable year for which the tax under this subchapter is being computed.

(b) Effect of disclaimer of credit.

If the taxpayer states in its return for the taxable year under this subchapter that it disclaims the use of the credit computed under section 713 or the use of the credit computed under section 714, the credit so disclaimed shall not, for the purposes of the internal revenue laws, be applicable to the computation of the tax under this subchapter for such taxable year. (As amended Mar. 7, 1941, ch. 10, § 14, 55 Stat. 30, eff. Oct. 8, 1940, 11 p. m., E. S. T.)

§ 742. Average base period net income.

In the case of a taxpayer which is an acquiring corporation the excess profits credit of which is allowed under section 741, its average base period net income (for the purpose of the credit computed under section 713) if the taxpayer was actually in existence before January 1, 1940, shall, at the election of the taxpayer made in its return for the taxable year, be computed as follows, and if the taxpayer was not actually in existence before such date, shall be computed as follows, in lieu of the method provided in section 713:

* * * *

(g) In the case of a partnership which is a component corporation by virtue of section 740 (b) (5), the computations required by this Supplement shall be made, under rules and regulations prescribed by the Commissioner with the approval of the Secretary, as if such partnership had been a corporation. For the purpose of such computations, in making the adjustment for income taxes required by section 711 (b) (1) (A), the partnership so regarded as a corporation shall be considered as having distributed all its net income as a dividend. (As amended Mar. 7, 1941, ch. 10, §§ 8 (d), 15, 55 Stat. 25, eff. Oct. 8, 1940, 11 p. m., E. S. T.)

AMENDMENTS

1941—Opening paragraph was amended by act Mar. 7, 1941, § 15, cited to text, eff. Oct. 8, 1940, 11 p. m., E. S. T., by section 17 of that act.

Subsec. (g) was added by act Mar. 7, 1941, § 8 (d), cited to text, eff. Oct. 8, 1940, 11 p. m., E. S. T., by section 17 of that act.

§ 743. Net capital changes.

(a) For the purposes of section 713 (g), upon the date of the transaction which constitutes a corporation an acquiring corporation, there shall be added to its daily capital addition or reduction for such day, the net capital addition or reduction, as the case may be, of each of the component corporations involved in such transaction, but no other capital addition or reduction shall be considered as having been made by reason of such transaction. (As amended Mar. 7, 1941, ch. 10, § 4 (d), 55 Stat. 21, eff. Oct. 3, 1940, 11 p. m., E. S. T.)

AMENDMENTS

1941—Subsec. (a) was amended by act Mar. 7, 1941, cited to text, eff. Oct. 3, 1940, 11 p. m., E. S. T., by section 17 of that act.

Chapter 3.—ESTATE TAX

SUBCHAPTER A.—BASIC ESTATE TAX

PART II.—ESTATES OF CITIZENS OR RESIDENTS OF THE UNITED STATES

SUBPART I.—COMPUTATION OF TAX

§ 812. Net estate.

(c) Property previously taxed.

An amount equal to the value of any property (A) forming a part of the gross estate situated in the United States of any person who died within five years prior to the death of the decedent, or (B) transferred to the decedent by gift within five years prior to his death, where such property can be identified as having been received by the decedent from the donor by gift, or from such prior decedent by gift, bequest, devise, or inheritance, or which can be identified as having been acquired in exchange for property so received. This deduction shall be allowed only where a gift tax imposed under chapter 4, or under Title III of the Revenue Act of 1932, 47 Stat. 245, or an estate tax imposed under this subchapter, the Revenue Act of 1926, 44 Stat. 69, or any prior Act of Congress, was finally determined and paid by or on behalf of such donor, or the estate of such prior decedent, as the case may be, and only in the amount finally determined as the value of such property in determining the value of the gift, or the gross estate of such prior decedent, and only to the extent that the value of such property is included in the decedent's gross estate, and only if in determining the value of the net estate of the prior decedent no deduction was allowable under this paragraph in respect of the property or property given in exchange therefor.

Where a deduction was allowed of any mortgage or other lien in determining the gift tax, or the estate tax of the prior decedent, which was paid in whole or in part prior to the decedent's death, then the deduction allowable under this paragraph shall be reduced by the amount so paid. The deduction allowable under this subsection shall be reduced by an amount which bears the same ratio to the amounts allowed as deductions under subsections (a), (b) and (d) as the amount otherwise deductible

under this subsection bears to the value of the decedent's gross estate. Where the property referred to in this subsection consists of two or more items the aggregate value of such items shall be used for the purpose of computing the deduction. (As amended Mar. 17, 1941, ch. 21, § 1, 55 Stat. 45, eff. Feb. 11, 1939.)

AMENDMENTS

1941—Subsec. (c) was amended by res Mar. 17, 1941, cited to text, eff. Feb. 11, 1939, which inserted "or under Title III of the Revenue Act of 1932, 47 Stat. 245,".

§ 813. Credits against tax—(a) Gift tax.

(2) Revenue Act of 1932 or chapter 4.

(A) If a tax has been paid under chapter 4 or under Title III of the Revenue Act of 1932, 47 Stat. 245, on a gift, and thereafter upon the death of the donor any amount in respect of such gift is required to be included in the value of the gross estate of the decedent for the purposes of this subchapter, then there shall be credited against the tax imposed by section 810 or 860 the amount of the tax paid under chapter 4 or under Title III of the Revenue Act of 1932 with respect to so much of the property which constituted the gift as is included in the gross estate, except that the amount of such credit shall not exceed an amount which bears the same ratio to the tax imposed by section 810 or 860 as the value (at the time of the gift or at the time of the death, whichever is lower) of so much of the property which constituted the gift as is included in the gross estate, bears to the value of the entire gross estate.

(B) For the purposes of paragraph (A), the amount of tax paid for any year under chapter 4 or under Title III of the Revenue Act of 1932 with respect to any property shall be an amount which bears the same ratio to the total tax paid for such year as the value of such property bears to the total amount of net gifts (computed without deduction of the specific exemption) for such year.

(b) Estate, succession, legacy, and inheritance taxes.

The tax imposed by section 810 or 860 shall be credited with the amount of any estate, inheritance, legacy, or succession taxes actually paid to any State or Territory or the District of Columbia, or any possession of the United States, in respect of any property included in the gross estate (not including any such taxes paid with respect to the estate of a person other than the decedent). The credit allowed by this subsection shall not exceed 80 per centum of the tax imposed by section 810 or 860 (after deducting from such tax the credits provided by section 813 (a) (2)), and shall include only such taxes as were actually paid and credit therefor claimed within four years after the filing of the return required by section 821 or 864, except that—

(1) If a petition for redetermination of a deficiency has been filed with the Board of Tax Appeals within the time prescribed in section 871, then within such four-year period or before the expiration of 60 days after the decision of the Board becomes final.

(2) If, under section 822 (a) (2) or section 871 (h), an extension of time has been granted for payment of the tax shown on the return, or of a deficiency, then within such four-year period or before the date of the expiration of the period of the extension.

Refund based on the credit may (despite the provisions of sections 910 to 912, inclusive), be made if claim therefor is filed within the period above provided. Any such refund shall be made without interest. (As amended Mar. 17, 1941, ch. 21, § 1, 55 Stat. 45, eff. Feb. 11, 1939.)

AMENDMENTS

1941—Subsecs (a) (2) and (b) were amended by res. Mar. 17, 1941, cited to text, eff. Feb. 11, 1939

PART III.—ESTATES OF NONRESIDENTS NOT CITIZENS OF THE UNITED STATES

§ 961. Net estate—(a) Deductions allowed.

(2) Property previously taxed.

An amount equal to the value of any property (A) forming a part of the gross estate situated in the United States of any person who died within five years prior to the death of the decedent, or (B) transferred to the decedent by gift within five years prior to his death, where such property can be identified as having been received by the decedent from the donor by gift, or from such prior decedent by gift, bequest, devise, or inheritance, or which can be identified as having been acquired in exchange for property so received. This deduction shall be allowed only where a gift tax imposed under chapter 4, or under Title III of the Revenue Act of 1932, 47 Stat. 245, or an estate tax imposed under this subchapter, the Revenue Act of 1926, 44 Stat. 69, or any prior Act of Congress, was finally determined and paid by or on behalf of such donor, or the estate of such prior decedent, as the case may be, and only in the amount finally determined as the value of such property in determining the value of the gift, or the gross estate of such prior decedent, and only to the extent that the value of such property is included in that part of the decedent's gross estate which at the time of his death is situated in the United States, and only if in determining the value of the net estate of the prior decedent no deduction was allowable under this paragraph in respect of the property or property given in exchange therefor. Where a deduction was allowed of any mortgage or other lien in determining the gift tax, or the estate tax of the prior decedent, which was paid in whole or in part prior to the decedent's death, then the deduction allowable under this paragraph shall be reduced by the amount so paid. The deduction allowable under this paragraph shall be reduced by an amount which bears the same ratio to the amounts allowed as deductions under paragraphs (1) and (3) of this subsection as the amount otherwise deductible under this paragraph bears to the value of that part of the decedent's gross estate which at the time of his death is situated in the United States. Where the property referred to in this paragraph consists of two or more items the aggregate value of such

items shall be used for the purpose of computing the deduction. (As amended Mar. 17, 1941, ch. 21, § 1, 55 Stat. 45, eff. Feb. 11, 1941.)

AMENDMENTS

1941—Subsec (a) (2) was amended by res. Mar. 17, 1941, cited to text, eff. Feb. 11, 1939.

SUBCHAPTER B.—ADDITIONAL ESTATE TAX

§ 935. Rate of tax.

(b) The tentative tax referred to in subsection (a) (1) of this section shall be the tentative tax shown in the following table:

If the net estate is:	The tentative tax shall be:
Not over \$5,000-----	3% of the net estate.
Over \$5,000 but not over \$10,000.	\$150, plus 7% of excess over \$5,000.
Over \$10,000 but not over \$20,000.	\$500, plus 11% of excess over \$10,000.
Over \$20,000 but not over \$30,000.	\$1,600, plus 14% of excess over \$20,000.
Over \$30,000 but not over \$40,000.	\$3,000, plus 18% of excess over \$30,000.
Over \$40,000 but not over \$50,000.	\$4,800, plus 22% of excess over \$40,000.
Over \$50,000 but not over \$60,000.	\$7,000, plus 25% of excess over \$50,000.
Over \$60,000 but not over \$100,000.	\$9,500, plus 28% of excess over \$60,000.
Over \$100,000 but not over \$250,000.	\$20,700, plus 30% of excess over \$100,000.
Over \$250,000 but not over \$500,000.	\$65,700, plus 32% of excess over \$250,000.
Over \$500,000 but not over \$750,000.	\$145,700, plus 35% of excess over \$500,000.
Over \$750,000 but not over \$1,000,000.	\$233,200, plus 37% of excess over \$750,000.
Over \$1,000,000 but not over \$1,250,000.	\$325,700, plus 39% of excess over \$1,000,000.
Over \$1,250,000 but not over \$1,500,000.	\$423,200, plus 42% of excess over \$1,250,000.
Over \$1,500,000 but not over \$2,000,000.	\$523,200, plus 45% of excess over \$1,500,000.
Over \$2,000,000 but not over \$2,500,000.	\$753,200, plus 49% of excess over \$2,000,000.
Over \$2,500,000 but not over \$3,000,000.	\$998,200, plus 53% of excess over \$2,500,000.
Over \$3,000,000 but not over \$3,500,000.	\$1,263,200, plus 56% of excess over \$3,000,000.
Over \$3,500,000 but not over \$4,000,000.	\$1,543,200, plus 59% of excess over \$3,500,000.
Over \$4,000,000 but not over \$5,000,000.	\$1,838,200, plus 63% of excess over \$4,000,000.
Over \$5,000,000 but not over \$6,000,000.	\$2,468,200, plus 67% of excess over \$5,000,000.
Over \$6,000,000 but not over \$7,000,000.	\$3,138,200, plus 70% of excess over \$6,000,000.
Over \$7,000,000 but not over \$8,000,000.	\$3,838,200, plus 73% of excess over \$7,000,000.
Over \$8,000,000 but not over \$10,000,000.	\$4,568,200, plus 76% of excess over \$8,000,000.
Over \$10,000,000-----	\$6,088,200, plus 77% of excess over \$10,000,000.

(As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title IV, § 401 (a), 55 Stat. 704.)

AMENDMENTS

1941—Subsec. (b) was amended by act Sept. 20, 1941, cited to text.

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made effective only with respect to estates of decedents dying after the date of enactment of that act, by section 401 (c) thereof.

§ 936. Credits against tax.

(b) (1) If a tax has been paid under chapter 4 or under Title III of the Revenue Act of 1932, 47 Stat. 245, on a gift, and thereafter upon the death of the donor any amount in respect of such gift is required to be included in the value of the gross estate of the decedent for the purposes of this subchapter, then there shall be credited against the tax imposed by section 935 the amount of the tax paid under chapter 4 or under Title III of the Revenue Act of 1932 with respect to so much of the property which constituted the gift as is included in the gross estate, except that the amount of such credit (A) shall not exceed an amount which bears the same ratio to the tax imposed by section 935 as the value (at the time of the gift or at the time of the death, whichever is lower) of so much of the property which constituted the gift as is included in the gross estate, bears to the value of the entire gross estate, and (B) shall not exceed the amount by which the gift tax paid under chapter 4 or under Title III of the Revenue Act of 1932 with respect to so much of the property as constituted the gift as is included in the gross estate, exceeds the amount of the credit under section 813 (a) (2).

(2) For the purposes of paragraph (1), the amount of tax paid for any year under chapter 4 or under Title III of the Revenue Act of 1932 with respect to any property shall be an amount which bears the same ratio to the total tax paid for such year as the value of such property bears to the total amount of net gifts (computed without deduction of the specific exemption) for such year. (As amended Mar. 17, 1941, ch. 21, § 1, 55 Stat 45, eff. Feb. 11, 1939.)

AMENDMENTS

1941—Subsec. (b) was amended by res. Mar. 17, 1941, cited to text, eff. Feb. 11, 1939.

SUBCHAPTER C.—DEFENSE TAX FOR FIVE YEARS (Repealed)

This subchapter, consisting of § 951, was repealed by act Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title IV, § 401 (b), 55 Stat. 704, which, by section 401 (c) thereof, was made effective only with respect to estates of decedents dying after the date of enactment of that act.

§ 951. Repealed. Sept. 20, 1941, 12:15 p. m. E. S. T., ch. 412, title IV, § 401 (b), 55 Stat. 704.

Section, relating to defense tax for five years, was added by act June 25, 1940, 11:45 a. m., E. S. T., ch. 419, title II, § 206, 54 Stat. 521.

Act Sept. 20, 1941, repealing this section, was made effective only with respect to estates of decedents dying after the date of enactment of that act, by section 401 (c) thereof

Chapter 4.—GIFT TAX

§ 1001. Computation of tax.

(a) * * *

RATE SCHEDULE

If the net gifts are:	The tax shall be:
Not over \$5,000-----	2¼ % of the net gifts.
Over \$5,000 but not over \$10,000	\$112 50, plus 5¼ % of excess over \$5,000
Over \$10,000 but not over \$20,000	\$375, plus 8¼ % of excess over \$10,000
Over \$20,000 but not over \$30,000	\$1,200, plus 10½ % of excess over \$20,000
Over \$30,000 but not over \$40,000	\$2,250, plus 13½ % of excess over \$30,000.
Over \$40,000 but not over \$50,000.	\$3,600, plus 16½ % of excess over \$40,000.
Over \$50,000 but not over \$60,000	\$5,250, plus 18¾ % of excess over \$50,000
Over \$60,000 but not over \$100,000.	\$7,125, plus 21 % of excess over \$60,000
Over \$100,000 but not over \$250,000	\$15,525, plus 22½ % of excess over \$100,000
Over \$250,000 but not over \$500,000	\$49,275, plus 24 % of excess over \$250,000.
Over \$500,000 but not over \$750,000	\$109,275, plus 26¼ % of excess over \$500,000
Over \$750,000 but not over \$1,000,000.	\$174,900, plus 27¾ % of excess over \$750,000.
Over \$1,000,000 but not over \$1,250,000.	\$244,275, plus 29¼ % of excess over \$1,000,000.
Over \$1,250,000 but not over \$1,500,000	\$317,400, plus 31½ % of excess over \$1,250,000
Over \$1,500,000 but not over \$2,000,000	\$396,150, plus 33¾ % of excess over \$1,500,000
Over \$2,000,000 but not over \$2,500,000	\$564,900, plus 36¾ % of excess over \$2,000,000
Over \$2,500,000 but not over \$3,000,000.	\$748,650, plus 39¾ % of excess over \$2,500,000.
Over \$3,000,000 but not over \$3,500,000	\$947,400, plus 42 % of excess over \$3,000,000.
Over \$3,500,000 but not over \$4,000,000	\$1,157,400, plus 44¼ % of excess over \$3,500,000.
Over \$4,000,000 but not over \$5,000,000	\$1,378,650, plus 47¼ % of excess over \$4,000,000.
Over \$5,000,000 but not over \$6,000,000.	\$1,851,150, plus 50¼ % of excess over \$5,000,000.
Over \$6,000,000 but not over \$7,000,000	\$2,353,650, plus 52½ % of excess over \$6,000,000.
Over \$7,000,000 but not over \$8,000,000.	\$2,878,650, plus 54¾ % of excess over \$7,000,000
Over \$8,000,000 but not over \$10,000,000	\$3,426,150, plus 57 % of excess over \$8,000,000.
Over 10,000,000-----	\$4,566,150, plus 57¾ % of excess over \$10,000,000

(d) Repealed. Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title IV, § 402 (c), 54 Stat. 706.

(As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title IV, § 402, 55 Stat. 705.)

AMENDMENTS

1941—The Rate Schedule following subsec. (a) was amended by act Sept. 20, 1941, § 402 (a), cited to text.

Subsec. (d) was repealed by act Sept. 20, 1941, § 402 (c), cited to text.

EFFECTIVE DATE

Section 402 (b) of act Sept. 20, 1941, cited to text, provided as follows: "The amendments made by this section shall be applied in computing the tax for the calendar year 1942 and each calendar year thereafter (but not the tax for the calendar year 1941 or a previous calendar year), and such amendments shall be applied in all computations in respect of the calendar year 1941 and previous calendar years for the purpose of computing the tax for the calendar year 1942 and any calendar year thereafter."

SUBTITLE B.—MISCELLANEOUS TAXES

Chapter 6.—CAPITAL STOCK

§ 1200. Tax.—(a) Domestic corporations.

For each year ending June 30, beginning with the year ending June 30, 1939, there shall be imposed upon every domestic corporation with respect to carrying on or doing business for any part of such year an excise tax of \$1.25 for each \$1,000 of the adjusted declared value of its capital stock.

(b) Foreign corporations.

For each year ending June 30, beginning with the year ending June 30, 1939, there shall be imposed upon every foreign corporation with respect to carrying on or doing business in the United States for any part of such year an excise tax equivalent to \$1.25 for each \$1,000 of the adjusted declared value of capital employed in the transaction of its business in the United States.

(c) Repealed. Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title III, § 301 (b), 55 Stat. 703.

(As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title III, § 301 (a, b), 55 Stat. 703, 704.)

AMENDMENTS

1941—Subsecs. (a) and (b) were amended by act Sept. 20, 1941, § 301 (a), cited to text, which substituted “\$1 25” for “\$1”.

Subsec. (c), relating to defense tax for 5 years, was repealed by act Sept. 20, 1941, § 301 (b), cited to text.

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made effective only with respect to the year ending June 30, 1941, and succeeding years, by section 301 (d) thereof.

§ 1202. Adjusted declared value.

(b) Subsequent years—(1) Domestic corporations.

(C) its net income, computed without the deduction of the tax imposed by Subchapter E of Chapter 2,

(iii) the excess of the deductions allowable for income tax purposes (not including the deduction for the tax imposed by Subchapter E of Chapter 2) over its gross income. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title II, § 202, (i), 55 Stat. 701.)

AMENDMENTS

1941—Subsecs. (b) (1) (C) and (b) (1) (iii) were amended by act Sept. 20, 1941, § 202 (i) (1), (2), respectively, cited to text.

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made applicable only with respect to taxable years beginning after Dec. 31, 1940, by section 205 thereof.

§ 1203. Returns.

(b) Time for filing.

(2) Extension of time.

The Commissioner may extend the time for making the returns, under such rules and regulations as he may prescribe with the approval of the Secretary, but no such extension shall be for more than sixty days. With respect to the year ending June 30, 1941, the extension may be for not more than ninety days. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title II, § 301 (c), 55 Stat. 704.)

AMENDMENTS

1941—Subsec. (b) (2) was amended by act Sept. 20, 1941, cited to text, which added the last sentence thereto.

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made effective only with respect to the year ending June 30, 1941, and succeeding years, by section 301 (d) thereof.

Chapter 7.—TAX ON TRANSFERS TO AVOID INCOME TAX

§ 1250. Imposition of tax.

There shall be imposed upon the transfer of stock or securities by a citizen or resident of the United States, or by a domestic corporation or partnership, or by a trust which is not a foreign trust, to a foreign corporation as paid-in surplus or as a contribution to capital, or to a foreign trust, or to a foreign partnership, an excise tax equal to 27½ per centum of the excess of (1) the value of the stock or securities so transferred over (2) its adjusted basis in the hands of the transferor as determined under section 113 of the Revenue Act of 1932, 47 Stat. 198. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title I, § 110 (b), 55 Stat. 696.)

AMENDMENTS

1941—Section was formerly composed of two subsections, designated “(a)” and “(b)”. Act Sept. 20, 1941, cited to text, struck out the heading of subsec. (a), substituted “27½ per centum” for “25 per centum”, and repealed subsec. (b), which related to defense tax for five years.

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made applicable only with respect to taxable years beginning after Dec. 31, 1940, by section 118 thereof.

TREATY OBLIGATIONS

Section 108 of act Sept. 20, 1941, cited to text, provided as follows: “No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States.”

Chapter 9.—EMPLOYMENT TAXES

SUBCHAPTER B.—EMPLOYMENT BY CARRIERS

PART IV.—GENERAL PROVISIONS

§ 1535. Other laws applicable.

All provisions of law, including penalties, applicable with respect to any tax imposed by section 2700 or section 1800, and the provisions of section 3661, insofar as applicable and not inconsistent with the provisions of this subchapter, shall be applicable with respect to the taxes imposed by this subchapter. (As amended Mar. 17, 1941, ch. 21, § 1, 55 Stat. 45, eff. Feb. 11, 1939.)

SUBCHAPTER C.—TAX ON EMPLOYERS OF EIGHT OR MORE

§ 1600. Rate of tax.

CREDIT AGAINST FEDERAL UNEMPLOYMENT TAXES

Act Oct. 8, 1940, 11 p. m., E. S. T., ch. 757, title VII, § 701, 54 Stat. 1017, was affected by act Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title VII, § 701 (c), 55 Stat. 728, set out below.

Act Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title VII, § 701, 55 Stat. 726, provided as follows:

"(a) ALLOWANCE OF CREDIT AGAINST TAX FOR 1936, 1937, AND 1938.—Against the tax imposed by section 901 of the Social Security Act (Title 42, § 1101) for the calendar year 1936, 1937, or 1938, any taxpayer shall be allowed credit (if credit is not allowable under section 902 of such Act (Title 42, § 1102)), for the amount of contributions paid by him into an unemployment fund under a State law—

"(1) Before the sixtieth day after the date of the enactment of this Act, if such credit is claimed before the expiration of six months after such date of enactment;

"(2) Without regard to the date of payment, with respect to wages paid after September 19, 1939;

"(3) Without regard to the date of payment, if the assets of the taxpayer are, at any time during the fifty-nine-day period following such date of enactment, or were at any time during the period August 11, 1939, to October 8, 1939, inclusive, or the period October 9, 1940, to December 6, 1940, inclusive, in the custody or control of a receiver, trustee, or other fiduciary appointed by, or under the control of, a court of competent jurisdiction.

The provisions of the Social Security Act (Title 42, § 301 et seq.) in force prior to February 11, 1939 (except the provision limiting the credit to amounts paid before the date of filing returns), shall apply to allowance of credit under this subsection; except that the amount of credit against the tax for the calendar year 1936, 1937, or 1938, for contributions paid after December 6, 1940, shall not (unless the credit is allowable on account of paragraph (2) or (3)) exceed 90 per centum of the amount which would have been allowable as credit on account of such contributions had they been paid before the last day upon which the taxpayer was required under section 905 of such Act (Title 42, § 1105) to file a return for such year. The terms used in this subsection shall have the same meaning as when used in title IX of such Act (Title 42, § 1101 et seq.) prior to February 11, 1939. The total credit allowable against the tax imposed by section 901 of such Act (Title 42, § 1101) for the calendar year 1936, 1937, or 1938 shall not exceed 90 per centum of such tax.

"(b) ALLOWANCE OF CREDIT AGAINST TAX FOR 1939 AND 1940.—Against the tax imposed by the Federal Unemployment Tax Act (Title 26, § 1600 et seq.) for the calendar year 1939 or 1940, any taxpayer shall be allowed credit (if credit is not allowable under section 1601 of such Act (Title 26, § 1601)) for the amount of contributions paid by him into an unemployment fund under a State law—

"(1) Before the sixtieth day after the date of the enactment of this Act, if such credit is claimed before the expiration of six months after such date of enactment;

"(2) Without regard to the date of payment, if the assets of the taxpayer are, at any time during the fifty-nine-day period following such date of enactment, or were at any time during the period from the last day upon which the taxpayer was required under section 1604 of the Federal Unemployment Tax Act (Title 26, § 1604) to file a return of the tax against which credit is claimed to June 30 next following such last day, inclusive, or (in the case of credit against the tax for the calendar year 1939) the period October 9, 1940, to December 6, 1940, inclusive, in the custody or control of a receiver, trustee, or other fiduciary appointed by, or under the control of, a court of competent jurisdiction.

The provisions of the Federal Unemployment Tax Act (Title 26, § 1600 et seq.) (except section 1601 (a) (3) (Title 26, § 1601 (a) (3))), including such provisions as modified by section 902 (e) of the Social Security Act Amendments of 1939 (Title 26, § 1601 note), shall apply to allowance of credit under this subsection. The amount of such credit against the tax for the calendar year 1939 or 1940, in the case of contributions paid after the last day upon which the taxpayer was required under section 1604 of the Federal Unemployment Tax Act (Title 26, § 1604) to file a return for such year, shall not (unless the credit is allowable on account of paragraph (2)) exceed 90 per centum of the amount which would have been allowable as credit on account of such contributions had they been paid on or before such last day. The terms used in this subsection shall have the same meaning as when used in the Federal Unemployment Tax Act (Title 26, § 1600 et seq.). The total credit allowable against the tax imposed by such Act (Title 26, § 1600 et seq.) for the calendar year 1939 or 1940 shall not exceed 90 per centum of such tax.

"(c) REFUND.—Refund, credit, or abatement of the tax (including penalty and interest assessed or collected with respect thereto, if any), based on any credit allowable under subsection (a) or (b), may be made in accordance with the provisions of law applicable in the case of erroneous or illegal assessment or collection of the tax (including statutes of limitations). No interest shall be allowed or paid on the amount of any such credit or refund. On and after the date of the enactment of this Act no refund, credit, or abatement shall be allowed based on any credit allowable under section 810 of the Revenue Act of 1938 (Title 42, § 1101 note), section 902 (a) of the Social Security Act Amendments of 1939 (Title 42, § 1102 note), or section 701 of the Second Revenue Act of 1940 (Title 26, § 1600 note; Title 42, § 1101 note)."

Chapter 9A.—DEFENSE TAX FOR FIVE YEARS

§ 1650. Defense tax for five years.

TERMINATION OF RATES

Act Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, §§ 521 (b), 536, 550 (a), (b), 55 Stat. 708, 710, 715, provided for the termination of the applicability of the rates specified in subsec. (a) of this section as follows:

"(§ 521) (b) The rates specified in subsection (a) (of act Sept. 20, 1941, § 521, affecting sections 1700, 1801, 1802, 1804, 1806, 2000, 2700, 3150, 3250, 3407, 3411, 3412, 3413, 3460, 3481, and 3482 of this title) shall be applicable only with respect to the period after the date of the enactment of this Act, and the rates specified in section 1650 (a), section 2004, and section 3190 of the Internal Revenue Code shall not apply with respect to such period."

"(§ 536) The amendments made by this Part (act Sept. 20, 1941, title V, part III, §§ 531-536, affecting sections 1807, 1850, 2800, 2887, 3030, 3192, and 3400 of this title) shall be applicable only with respect to the period beginning with October 1, 1941, and the rates specified in section 1650 (a), section 1807 (b), section 2004, section 2800 (g), and section 3190 of the Internal Revenue Code shall not apply with respect to such period. This Part shall take effect on October 1, 1941."

"(§ 550.) (a) The amendments made by this Part (act Sept. 20, 1941, title V, part IV, §§ 541-550, affecting Title 26, Internal Revenue Code, §§ 1700, 1701, 1710, 1712, 1715, 1716, 3403, 3404, 3405, 3409, 3441, 3465, 3466; and Title 16, Conservation, §§ 18a, 407d) shall be applicable only with respect to the period beginning with the effective date of this Part, and the rates specified in section 1650

(a), section 1807 (b), section 2004, section 2800 (g), and section 3190 of the Internal Revenue Code shall not apply with respect to such period. This Part shall take effect on October 1, 1941."

"(§ 550.) (b) Despite the provisions of subsection (a), the tax imposed by section 1700 (e) of the Internal Revenue Code, as amended by section 542 of this Act (relating to cabaret, etc., tax), shall be applicable only with respect to the period beginning at 10 a. m. on October 1, 1941, and the tax imposed by such subsection as in force prior to its amendment by section 542 of this Act, as modified by section 1650 (a) of the Internal Revenue Code, shall be applicable with respect to the period before 10 a. m. on such date."

Chapter 10.—ADMISSIONS AND DUES

SUBCHAPTER A.—ADMISSIONS

§ 1700. Tax.

(a) Single or season ticket; subscription—(1) Rate.

A tax of 1 cent for each 10 cents or fraction thereof of the amount paid for admission to any place, including admission by season ticket or subscription. In the case of persons (except bona fide employees, municipal officers on official business, children under twelve years of age, members of the military or naval forces of the United States when in uniform, and members of the Civilian Conservation Corps when in uniform) admitted free or at reduced rates to any place at any time when and under circumstances under which an admission charge is made to other persons, an equivalent tax shall be collected based on the price so charged to such other persons for the same or similar accommodations, to be paid by the person so admitted. No tax shall be imposed on the amount paid for the admission of a child under twelve years of age if the amount paid is less than 10 cents.

(b) Permanent use or lease of boxes or seats—(1) Rate.

In the case of persons having the permanent use of boxes or seats in an opera house or any place of amusement or a lease for the use of such box or seat in such opera house or place of amusement (in lieu of the tax imposed under paragraph (1) of subsection (a)), a tax equivalent to 11 per centum of the amount for which a similar box or seat is sold for each performance or exhibition at which the box or seat is used or reserved by or for the lessee or holder.

(c) Sales outside box office—(1) Rate.

Upon tickets or cards of admission to theaters, operas, and other places of amusement, sold at news stands, hotels, and places other than the ticket offices of such theaters, operas, or other places of amusement, at a price in excess of the sum of the established price therefor at such ticket offices plus the amount of any tax imposed under paragraph (1) of subsection (a), a tax equivalent to 11 per centum of the amount of such excess.

(3) Repealed. Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 542 (d), 55 Stat. 711.

(d) Sales by proprietors in excess of regular price.

(3) Repealed. Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 542 (d), 55 Stat. 711.

(e) Tax on cabarets, roof gardens, etc.—(1) Rate.

A tax equivalent to 5 per centum of all amounts paid for admission, refreshment, service, and merchandise, at any roof garden, cabaret,¹ or other similar place furnishing a public performance for profit, if any payment, or part thereof, for admission, refreshment, service, or merchandise, entitles the patron to be present during any portion of such performance. No tax shall be applicable under subsection (a) (1) on account of an amount paid with respect to which tax is imposed under this subsection.

(2) By whom paid.

The tax imposed under paragraph (1) shall be returned and paid by the person receiving such payments. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, §§ 521 (a) (1), (2), 541 (a), 542 (a), (d), 55 Stat. 706, 710, 711.)

¹ So in original. Probably should read "cabaret."

TEMPORARY INCREASE IN RATES

Defense tax for 5-year period after June 30, 1940, which increased certain tax rates, and termination thereof by act Sept. 20, 1941, see section 1650 (a) of this title and notes

AMENDMENTS

1941—Subsec. (a) (1) was amended by act Sept. 20, 1941, § 541 (a), cited to text.

Subsecs. (b) (1) and (c) (1) were amended by act Sept. 20, 1941, § 521 (a) (1), (2), respectively, cited to text, which substituted "11 per centum" for "10 per centum".

Subsecs. (c) (3) and (d) (3) were repealed by act Sept. 20, 1941, § 542 (d), cited to text, as of the effective date of sections 541–550 of that act.

Subsec. (e) was amended by act Sept. 20, 1941, § 542 (a), cited to text.

EFFECTIVE DATE

The rates specified in act Sept. 20, 1941, § 521 (a), cited to text, which affected subsecs. (b) (1) and (c) (1) of this section, were made applicable only with respect to the period after the date of enactment of that act, by section 521 (b) thereof.

Act Sept. 20, 1941, §§ 541, 542, cited to text, which affected subsecs. (a) (1), (b) (1), (c) (1), (c) (3), (d) (3), and (e) of this section, were made effective on, and applicable only with respect to the period beginning with, Oct. 1, 1941, by section 550 (a) thereof. However, section 550 (b) of that act provided that "Despite the provisions of subsection (a), the tax imposed by section 1700 (e) of the Internal Revenue Code, as amended by section 542 of this Act (relating to cabaret, etc., tax), shall be applicable only with respect to the period beginning at 10 a. m. on October 1, 1941, and the tax imposed by such subsection as in force prior to its amendment by section 542 of this Act, as modified by section 1650 (a) of the Internal Revenue Code, shall be applicable with respect to the period before 10 a. m. on such date."

§ 1701. Exemptions from tax.

TERMINATION OF APPLICABILITY OF SECTION

Act Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 541 (b), 55 Stat. 710, provided that this section "shall not apply with respect to amounts paid, on or after the effective date of this Part, for admission." Said "Part" was made effective on, and applicable only with respect to the period beginning with, Oct. 1, 1941, by section 550 (a) thereof; certain exceptions to such effective date being made by section 550 (b)–(d) of that act, which are explained in notes under sections 1650, 1700, and 3465 of this title.

SUBCHAPTER B.—DUES

§ 1710. Tax—(a) Rate.

(1) Dues or membership fees.

A tax equivalent to 11 per centum of any amount paid as dues or membership fees to any social, athletic, or sporting club or organization, if the dues or fees of an active resident annual member are in excess of \$10 per year.

(2) Initiation fees.

A tax equivalent to 11 per centum of any amount paid as initiation fees to such a club or organization, if such fees amount to more than \$10, or if the dues or membership fees, not including initiation fees, of an active resident annual member are in excess of \$10 per year. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 543 (a), 55 Stat. 711.)

TEMPORARY INCREASE IN RATES

Defense tax for 5-year period after June 30, 1940, which increased certain tax rates, and termination thereof by act Sept. 20, 1941, see section 1650 (a) of this title and notes.

AMENDMENTS

1941—Subsecs. (a) (1) and (a) (2) were amended by act Sept. 20, 1941, cited to text.

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made effective on, and applicable only with respect to the period beginning with, Oct. 1, 1941, by section 550 (a) thereof.

§ 1712. Definitions.

(a) Dues.

The term "dues" includes any assessment, irrespective of the purpose for which made, and any charges for social privileges or facilities, or for golf, tennis, polo, swimming, or other athletic or sporting privileges or facilities, for any period of more than six days; and

(As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 543 (b), 55 Stat. 711.)

AMENDMENTS

1941—Subsec. (a) was amended by act Sept. 20, 1941, cited to text.

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made effective on, and applicable only with respect to the period beginning with, Oct. 1, 1941, by section 550 (a) thereof.

SUBCHAPTER C.—PROVISIONS COMMON TO ADMISSIONS AND DUES

§ 1715. Payment of tax.

(b) Place of payment.

The taxes collected under subsection (a), and the taxes required to be paid under section 1700 (c), (d), or (e), shall be paid to the collector of the district in which the principal office or place of business is located. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 542 (b), 55 Stat. 711.)

AMENDMENTS

1941—Subsec (b) was amended by act Sept 20, 1941, cited to text

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made effective on, and applicable only with respect to the period beginning with, Oct 1, 1941, by section 550 (a) thereof

§ 1716. Returns—(a) Requirement.

Every person required under subsection (a) of section 1715 to collect the taxes, or required under section 1700 (c), (d), or (e) to pay the taxes, imposed by this chapter shall make returns under oath, in duplicate, in such manner and containing such information as the Commissioner, with the approval of the Secretary, may, by regulation, prescribe. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 542 (c), 55 Stat. 711)

AMENDMENTS

1941—Subsec. (a) was amended by act Sept. 20, 1941, cited to text.

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made effective on, and applicable only with respect to the period beginning with, Oct. 1, 1941, by section 550 (a) thereof.

Chapter 11.—DOCUMENTS, OTHER INSTRUMENTS, AND PLAYING CARDS

STAMP TAX ON PASSAGE TICKETS NOT TO APPLY

Act Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 554 (c), 55 Stat. 722, which was made effective on Oct. 1, 1941, by section 558 of that act, provided as follows: "No tax shall be imposed under chapter 11 of the Internal Revenue Code on a ticket sold or issued for passage the amount paid for which is taxable under section 3469 of the Internal Revenue Code."

SUBCHAPTER A.—RATE AND PAYMENT OF TAX

§ 1801. Corporate securities.

On all bonds, debentures, or certificates of indebtedness issued by any corporation, and all instruments, however termed, issued by any corporation with interest coupons or in registered form, known generally as corporate securities, on each \$100 of face value or fraction thereof, 11 cents: *Provided*, That every renewal of the foregoing shall be taxed as a new issue: *Provided further*, That when a bond conditioned for the repayment or payment of money is given in a penal sum greater than the debt secured, the tax shall be based upon the amount secured. The tax under this section shall not apply to any instrument under the terms of which the obligee is required to make payment therefor in installments and is not permitted to make in any year a payment of more than 20 per centum of the cash amount to which entitled upon maturity of the instrument. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 521 (a) (3), 55 Stat. 706.)

TEMPORARY INCREASE IN RATES

Defense tax for 5-year period after June 30, 1940, which increased certain tax rates, and termination thereof by act Sept. 20, 1941, see section 1650 (a) of this title and notes.

AMENDMENTS

1941—Act Sept. 20, 1941, cited to text, substituted "11 cents" for "10 cents until July 1, 1945, and 5 cents thereafter."

EFFECTIVE DATE

The rates specified in act Sept. 20, 1941, cited to text, were made effective on, and applicable only with respect to the period after the date of enactment of that act, by section 521 (b) thereof.

§ 1802. Capital stock (and similar interests)—(a) Original issue.

On each original issue, whether on organization or reorganization, of shares or certificates of stock, or of profits, or of interest in property or accumulations, by any corporation, or by any investment trust or similar organization (or by any person on behalf of such investment trust or similar organization) holding or dealing in any of the instruments mentioned or described in this subsection or section 1801 (whether or not such investment trust or similar organization constitutes a corporation within the meaning of this title), on each \$100 of par or face value or fraction thereof of the certificates issued by such corporation or by such investment trust or similar organization (or of the shares where no certificates were issued), 11 cents: *Provided*, That where such shares or certificates are issued without par or face value, the tax shall be 11 cents per share (corporate share, or investment trust or other organization share, as the case may be), unless the actual value is in excess of \$100 per share; in which case the tax shall be 11 cents on each \$100 of actual value or fraction thereof of such certificates (or of the shares where no certificates were issued), or unless the actual value is less than \$100 per share, in which case the tax shall be 3 cents on each \$20 of actual value, or fraction thereof, of such certificates (or of the shares where no certificates were issued). The stamps representing the tax imposed by this subsection shall be attached to the stock books or corresponding records of the organization and not to the certificates issued.

(b) Sales and transfers.

On all sales, or agreements to sell, or memoranda of sales or deliveries of, or transfers of legal title to any of the shares or certificates mentioned or described in subsection (a), or to rights to subscribe for or to receive such shares or certificates, whether made upon or shown by the books of the corporation or other organization, or by any assignment in blank, or by any delivery, or by any paper or agreement or memorandum or other evidence of transfer or sale (whether entitling the holder in any manner to the benefit of such share, certificate, interest, or rights, or not), on each \$100 of par or face value or fraction thereof of the certificates of such corporation or other organization (or of the shares where no certificates were issued) 5 cents and where such shares or certificates are without par or face value, the tax shall be 5 cents on the transfer or sale or agreement to sell on each share (corporate share, or investment trust or other organization share, as the case may be): *Provided*, That in case the selling price, if any, is \$20 or more per share the above rate shall be 6 cents: *Provided further*, That it is not intended by this chapter to impose a tax upon an agreement evidencing a deposit of certificates as collateral security for money loaned thereon, which certificates are not actually sold, nor upon the de-

livery or transfer for such purpose of certificates so deposited nor upon the return of stock loaned: *Provided further*, That the tax shall not be imposed upon deliveries or transfers to a broker or his registered nominee for sale, nor upon deliveries or transfers by a broker or his registered nominee to a customer for whom and upon whose order the broker has purchased same, nor upon deliveries or transfers by a purchasing broker to his registered nominee if the shares or certificates so delivered or transferred are to be held by such nominee for the same purpose as if held by the broker, but such deliveries or transfers shall be accompanied by a certificate setting forth the facts: *Provided further*, That the tax shall not be imposed upon deliveries or transfers from a fiduciary to a nominee of such fiduciary, or from one nominee of such fiduciary to another, if such shares or certificates continue to be held by such nominee for the same purpose for which they would be held if retained by such fiduciary, or from the nominee to such fiduciary, but such deliveries or transfers shall be accompanied by a certificate setting forth the facts: *Provided further*, That in case of sale where the evidence of transfer is shown only by the books of the corporation or other organization the stamp shall be placed upon such books; and where the change of ownership is by transfer of the certificate the stamp shall be placed upon the certificate; and in cases of an agreement to sell or where the transfer is by delivery of the certificate assigned in blank there shall be made and delivered by the seller to the buyer a bill or memorandum of such sale, to which the stamp shall be affixed; and every bill or memorandum of sale or agreement to sell before mentioned shall show the date thereof, the name of the seller, the amount of the sale, and the matter or thing to which it refers: *Provided further*, That as used in this section the term "registered nominee" shall mean any person registered with the collector in accordance with such rules and regulations as the Commissioner with the approval of the Secretary shall prescribe. The tax shall not be imposed upon deliveries or transfers of shares or certificates—

(1) From the owner to a custodian if under a written agreement between the parties the shares or certificates are to be held or disposed of by such custodian for, and subject at all times to the instructions of, the owner; or from such custodian to such owner;

(2) From such custodian to a registered nominee of such custodian, or from one such nominee to another such nominee, if in either case the shares or certificates continue to be held by such nominee for the same purpose for which they would be held if retained by such custodian; or from such nominee to such custodian. No exemption shall be granted under this paragraph unless the deliveries or transfers are accompanied by a certificate setting forth such facts as the Commissioner, with the approval of the Secretary, may by regulation prescribe as necessary for the evidencing of the right to such exemption. No delivery or transfer to a nominee shall be exempt under this paragraph unless such nominee, in accordance with regulations prescribed

by the Commissioner, with the approval of the Secretary, is registered with the Commissioner.

The tax imposed by this subsection shall not be imposed upon any delivery or transfer by an executor or administrator to a legatee, heir, or distributee of shares or certificates of stock if it is shown to the satisfaction of the Commissioner that the value of such shares or certificates is not greater than the amount of the tax that would otherwise be imposed on such delivery or transfer. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 521 (a) (4), (5), 55 Stat. 707.)

TEMPORARY INCREASE IN RATES

Defense tax for 5-year period after June 30, 1940, which increased certain tax rates, and termination thereof by act Sept 20, 1941, see section 1650 (a) of this title and notes

AMENDMENTS

1941—Subsecs. (a) and (b) were amended by act Sept 20, 1941, § 521 (a) (4), (5), respectively, cited to text, which affected rates.

EFFECTIVE DATE

The rates specified in act Sept. 20, 1941, cited to text, were made applicable only with respect to the period after the date of enactment of that act, by section 521 (b) thereof.

§ 1804. Insurance policies.

On each policy of insurance, or certificate, binder, covering note, memorandum, cablegram, letter, or other instrument by whatever name called whereby insurance is made or renewed upon property within the United States (including rents and profits) against peril by sea or on inland waters or in transit on land (including transshipments and storage at termini or way points) or by fire, lightning, tornado, windstorm, bombardment, invasion, insurrection or riot, issued to or for or in the name of a domestic corporation or partnership or an individual resident of the United States by any foreign corporation or partnership or any individual not a resident of the United States, when such policy or other instrument is not signed or countersigned by an officer or agent of the insurer in a State, Territory, or District of the United States within which such insurer is authorized to do business, a tax of 4 cents on each dollar, or fractional part thereof of the premium charged: *Provided*, That policies of reinsurance shall be exempt from the tax imposed by this section. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 521 (a) (6), 55 Stat. 707.)

TEMPORARY INCREASE IN RATES

Defense tax for 5-year period after June 30, 1940, which increased certain tax rates, and termination thereof by act Sept. 20, 1941, see section 1650 (a) of this title and notes.

AMENDMENTS

1941—Act Sept. 20, 1941, cited to text, substituted “4 cents” for “3 cents.”

EFFECTIVE DATE

The rates specified in act Sept. 20, 1941, cited to text, were made effective on, and applicable only with respect to the period after the date of enactment of that act, by section 521 (b) thereof.

§ 1805. Silver bullion.

The term “person” means an individual, partnership, association, or corporation.

The Secretary is authorized to issue, with the approval of the President, such rules and regulations as the Secretary may deem necessary or proper to carry out the purposes of this section. (As amended Mar. 17, 1941, ch. 21, § 1, 55 Stat. 45, eff. Feb. 11, 1939.)

AMENDMENTS

1941—Above two paragraphs were substituted at end of section for that part of the section following the paragraph defining “silver bullion” (constituting former last four paragraphs) by res Mar 17, 1941, cited to text, eff. Feb. 11, 1941.

§ 1806. Passage tickets.

Passage ticket, one way or round trip, for each passenger, sold or issued in the United States for passage by any vessel to a port or place not in the United States, Canada, Mexico, Cuba, or Puerto Rico, if costing not exceeding \$30, \$1.10; costing more than \$30 and not exceeding \$60, \$3.30; costing more than \$60, \$5.50. This section shall not apply to passage tickets costing \$10 or less. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 521 (a) (7), 55 Stat. 707.)

STAMP TAX ON PASSAGE TICKETS NOT TO APPLY

See note under chapter 11, preceding section 1801, of this title.

TEMPORARY INCREASE IN RATES

Defense tax for 5-year period after June 30, 1940, which increased certain tax rates, and termination thereof by act Sept 20, 1941, see section 1650 (a) of this title and notes.

AMENDMENTS

1941—Act Sept. 20, 1941, cited to text, substituted “\$1.10”, “\$3.30”, and “\$5.50” for “\$1”, “\$3”, and “\$5”, respectively.

EFFECTIVE DATE

The rates specified in act Sept 20, 1941, cited to text, were made effective on, and applicable only with respect to the period after the date of enactment of that act, by section 521 (b) thereof.

§ 1807. Playing cards—(a) General rule.

Upon every pack of playing cards containing not more than fifty-four cards, manufactured or imported, and sold, or removed for consumption or sale, a tax of 13 cents per pack. This tax shall be in addition to any import duties imposed on such articles of foreign manufacture. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 531, 55 Stat. 703.)

TERMINATION OF RATES

Act Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, §§ 536, 550 (a), 55 Stat. 710, 715, provided for the termination of the applicability of the rates specified in subsec. (b) of this section as follows:

“(§ 536.) The amendments made by this Part (act Sept. 20, 1941, title V, part III, §§ 531–536, affecting sections 1807, 1850, 2800, 2837, 3030, 3192, and 3400 of this title) shall be applicable only with respect to the period beginning with October 1, 1941, and the rates specified in section 1650 (a), section 1807 (b), section 2004, section 2800 (g), and section 3190 of the Internal Revenue Code shall not apply with respect to such period. This Part shall take effect on October 1, 1941.”

“(§ 550.) (a) The amendments made by this Part (act Sept. 20, 1941, title V, part IV, §§ 541–550, affecting Title 26, Internal Revenue Code, §§ 1700, 1701, 1710, 1712, 1715, 1716, 3403, 3404, 3405, 3409, 3441, 3465, 3466; and Title 16, Conservation, §§ 18e, 407d) shall be applicable only with respect to the period beginning with the effective date of

this Part, and the rates specified in section 1650 (a), section 1807 (b), section 2004, section 2800 (g), and section 3190 of the Internal Revenue Code shall not apply with respect to such period. This Part shall take effect on October 1, 1941."

AMENDMENTS

1941—Subsec. (a) was amended by act Sept. 20, 1941, cited to text, which substituted "13 cents" for "10 cents".

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made effective on, and applicable only with respect to the period beginning with, Oct. 1, 1941, by section 536 thereof.

Chapter 12.—SAFE DEPOSIT BOXES

§ 1850. Tax.—(a) Rate.

There shall be imposed a tax equivalent to 20 per centum of the amount collected for the use of any safe deposit box. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 532, 55 Stat. 708.)

* * * *

TEMPORARY INCREASE IN RATES

Defense tax for 5-year period after June 30, 1940, which increased certain tax rates, and termination thereof by act Sept. 20, 1941, see section 1650 (a) of this title and notes.

AMENDMENTS

1941—Subsec. (a) was amended by act Sept. 20, 1941, cited to text, which substituted "20 per centum" for "10 per centum".

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made effective on, and applicable only with respect to the period beginning with, Oct. 1, 1941, by section 536 thereof.

Chapter 15.—TOBACCO, SNUFF, CIGARS AND CIGARETTES

SUBCHAPTER A.—RATE AND PAYMENT OF TAX

§ 2000. Rate of tax.

* * * *

(c) Cigars and cigarettes.

* * * *

(2) Cigarettes.

On cigarettes made of tobacco, or any substitute therefor, and weighing not more than three pounds per thousand, \$3.25 per thousand;

Weighting more than three pounds per thousand, \$7.80 per thousand; except that if more than 6½ inches in length they shall be taxable at the rate provided in the preceding paragraph, counting each 2¾ inches (or fraction thereof) of the length of each as one cigarette.

The tax imposed by this subsection shall be in addition to any import duties imposed upon imported cigars and cigarettes. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 521 (a) (8), 55 Stat. 707.)

* * * *

TEMPORARY INCREASE IN RATES

Defense tax for 5-year period after June 30, 1940, which increased certain tax rates, and termination thereof by act Sept. 20, 1941, see section 2004 of this title and notes

AMENDMENTS

1941—Subsec. (c) (2) was amended by act Sept. 20, 1941, cited to text, which substituted "\$3.25" and "\$7.80" for "\$3" and "\$7.20", respectively.

EFFECTIVE DATE

The rates specified in act Sept. 20, 1941, cited to text, were made effective on, and applicable only with respect to the period after the date of enactment of that act, by section 521 (b) thereof.

§ 2004. Defense tax for five years.

TERMINATION OF RATES

Act Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, §§ 521 (b), 536, 550 (a), 55 Stat. 708, 710, 715, provided for the termination of the applicability of the rates specified in this section as follows:

"(§ 521.) (b) The rates specified in subsection (a) (of act Sept. 20, 1941, § 521, affecting sections 1700, 1801, 1802, 1804, 1806, 2000, 2700, 3150, 3250, 3407, 3411, 3412, 3413, 3460, 3481, and 3482 of this title) shall be applicable only with respect to the period after the date of the enactment of this Act, and the rates specified in section 1650 (a), section 2004, and section 3190 of the Internal Revenue Code shall not apply with respect to such period."

"(§ 536.) The amendments made by this Part (act Sept. 20, 1941, title V, part III, §§ 531-536, affecting sections 1807, 1850, 2800, 2887, 3030, 3192, and 3400 of this title) shall be applicable only with respect to the period beginning with October 1, 1941, and the rates specified in section 1650 (a), section 1807 (b), section 2004, section 2800 (g), and section 3190 of the Internal Revenue Code shall not apply with respect to such period. This Part shall take effect on October 1, 1941."

"(§ 550.) (a) The amendments made by this Part (act Sept. 20, 1941, title V, part IV, §§ 541-550, affecting Title 26, Internal Revenue Code, §§ 1700, 1701, 1710, 1712, 1715, 1716, 3403, 3404, 3405, 3409, 3441, 3465, 3466; and Title 16, Conservation, §§ 18e, 407d) shall be applicable only with respect to the period beginning with the effective date of this Part, and the rates specified in section 1650 (a), section 1807 (b), section 2004, section 2800 (g), and section 3190 of the Internal Revenue Code shall not apply with respect to such period. This Part shall take effect on October 1, 1941."

Chapter 19.—RETAILERS' EXCISE TAXES (NEW)

Sec.

- 2400. Tax on jewelry, etc.
- 2401. Tax on furs.
- 2402. Tax on toilet preparations.
- 2403. Return and payment of retailers' excise taxes.
- 2404. Definition of sale.
- 2405. Leases, conditional sales, etc.
- 2406. Tax-free sales.
- 2407. Credits and refunds.
- 2408. Applicability of administrative provisions.
- 2409. Penalty for representation that tax is not passed on.
- 2410. Rules and regulations.
- 2411. Effective date.

Chapter was added by act Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 552 (a), 55 Stat. 713, which was made effective on Oct. 1, 1941, by section 558 of that act.

§ 2400. Tax on jewelry, etc.

There is hereby imposed upon the following articles sold at retail a tax equivalent to 10 per centum of the price for which so sold: All articles commonly or commercially known as jewelry, whether real or imitation; pearls, precious and semi-precious stones, and imitations thereof; articles made of, or ornamented, mounted or fitted with, precious metals or imitations thereof; watches and clocks and cases and movements therefor; gold, gold-plated, silver, silver-plated or sterling flatware or hollow ware; opera glasses; lorgnettes; marine glasses; field glasses; and binoculars. The tax imposed by this section shall not apply to any article used for religious purposes, to surgical instruments, or to frames or mountings for spectacles or eyeglasses, or to a

fountain pen if the only parts of the pen which consist of precious metals are essential parts not used for ornamental purposes. (Added Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 552 (a), 55 Stat. 718.)

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made effective on Oct. 1, 1941, by section 558 thereof.

§ 2401. Tax on furs.

There is hereby imposed upon the following articles sold at retail a tax equivalent to 10 per centum of the price for which so sold: Articles made of fur on the hide or pelt, and articles of which such fur is the component material of chief value. (Added Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 552 (a), 55 Stat. 718.)

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made effective on Oct. 1, 1941, by section 558 thereof.

§ 2402. Tax on toilet preparations.

(a) Tax.

There is hereby imposed upon the following articles sold at retail a tax equivalent to 10 per centum of the price for which so sold: Perfumes, essences, extracts, toilet waters, cosmetics, petroleum jellies, hair oils, pomades, hair dressings, hair restoratives, hair dyes, aromatic cachous, toilet powders, and any similar substance, article, or preparation, by whatsoever name known or distinguished; any of the above which are used or applied or intended to be used or applied for toilet purposes.

(b) Beauty parlors, etc.

For the purposes of subsection (a) the sale of any article described in subsection (a) to any person operating a barber shop, beauty parlor, or similar establishment shall be considered a sale at retail; resale by such person shall be subject to tax as a sale at retail, but there shall be credited against the tax payable by such person with respect to such resale the amount of tax paid on the sale to such person. (Added Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 552 (a), 55 Stat. 718.)

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made effective on Oct. 1, 1941, by section 558 thereof.

§ 2403. Return and payment of retailers' excise taxes.

(a) Every person who sells at retail any article taxable under this chapter shall make monthly returns under oath in duplicate and pay the taxes imposed by this chapter to the collector for the district in which is located his principal place of business or, if he has no principal place of business in the United States, then to the collector at Baltimore, Maryland. Such returns shall contain such information and be made at such times and in such manner as the Commissioner, with the approval of the Secretary, may by regulations prescribe.

(b) The tax shall, without assessment by the Commissioner or notice from the collector, be due and payable to the collector at the time so fixed for filing the return. If the tax is not paid when due, there shall be added as part of the tax interest at the rate of 6 per centum per annum from the time when the tax became due until paid.

(c) In determining, for the purposes of this chapter, the price for which an article is sold, there shall be included any charge for coverings and containers of whatever nature, and any charge incident to placing the article in condition packed ready for shipment, but there shall be excluded the amount of tax imposed by this chapter, whether or not stated as a separate charge. A transportation, delivery, insurance, installation, or other charge (not required by the foregoing sentence to be included) shall be excluded from the price only if the amount thereof is established to the satisfaction of the Commissioner, in accordance with the regulations. There shall also be excluded, if stated as a separate charge, the amount of any retail sales tax imposed by any State or Territory or political subdivision of the foregoing, or the District of Columbia, whether the liability for such tax is imposed on the vendor or the vendee. (Added Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 552 (a), 55 Stat. 718.)

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made effective on Oct. 1, 1941, by section 558 thereof.

§ 2404. Definition of sale.

For the purposes of this chapter, the lease of an article shall be considered the sale of such article. (Added Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 552 (a), 55 Stat. 719.)

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made effective on Oct. 1, 1941, by section 558 thereof.

§ 2405. Leases, conditional sales, etc.

In the case of (a) a lease, (b) a contract for the sale of an article wherein it is provided that the price shall be paid by installments and title to the article sold does not pass until a future date notwithstanding partial payment by installments, or (c) a conditional sale, there shall be paid upon each payment with respect to the article that portion of the total tax which is proportionate to the portion of the total amount to be paid represented by such payment. No tax shall be imposed under this chapter on the sale of any article taxable under section 2400 or section 2401 if with respect to such article the lease, contract for sale, or conditional sale was made, delivery thereunder was made, and a part of the consideration was paid, before October 1, 1941. (Added Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 552 (a), 55 Stat. 719.)

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made effective on Oct. 1, 1941, by section 558 thereof.

§ 2406. Tax-free sales.

Under regulations prescribed by the Commissioner with the approval of the Secretary, no tax under this chapter shall be imposed with respect to the sale of any article—

(a) for the exclusive use of the United States, any State, Territory of the United States, or any political subdivision of the foregoing, or the District of Columbia;

(b) for export, or for shipment to a possession of the United States, and in due course so exported

or shipped. (Added Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 552 (a), 55 Stat. 719.)

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made effective on Oct. 1, 1941, by section 558 thereof.

§ 2407. Credits and refunds.

(a) A credit against tax under this chapter, or a refund, may be allowed with respect to an article, when the price on which the tax was based is readjusted by reason of return or repossession of the article, or by a bona fide discount, rebate, or allowance, in the amount of that part of the tax proportionate to the part of the price which is refunded or credited.

(b) No overpayment of tax under this chapter shall be credited or refunded, in pursuance of a court decision or otherwise, unless the person who paid the tax establishes, in accordance with regulations prescribed by the Commissioner with the approval of the Secretary, (1) that he has not included the tax in the price of the article with respect to which it was imposed, or collected the amount of tax from the purchaser, or (2) that he has repaid the amount of the tax to the purchaser of the article, or unless he files with the Commissioner written consent of such purchaser to the allowance of the credit or refund. (Added Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 552 (a), 55 Stat. 719.)

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made effective on Oct. 1, 1941, by section 558 thereof.

§ 2408. Applicability of administrative provisions.

All provisions of law (including penalties) applicable in respect of the taxes imposed by section 2700 shall, insofar as applicable and not inconsistent with this chapter, be applicable in respect of the taxes imposed by this chapter. (Added Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 552 (a), 55 Stat. 720.)

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made effective on Oct. 1, 1941, by section 558 thereof.

§ 2409. Penalty for representation that tax is not passed on.

Whoever in connection with the sale or lease, or offer for sale or lease, of any article taxable under this chapter, makes any statement, written or oral, in advertisement or otherwise, intended or calculated to lead any person to believe that the price of the article does not include the tax imposed by this chapter, shall on conviction thereof be punished by a fine of not more than \$1,000. (Added Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 552 (a), 55 Stat. 720.)

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made effective on Oct. 1, 1941, by section 558 thereof.

§ 2410. Rules and regulations.

The Commissioner, with the approval of the Secretary, shall prescribe and publish all needful rules and regulations for the enforcement of this chapter. (Added Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 552 (a), 55 Stat. 720.)

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made effective on Oct. 1, 1941, by section 558 thereof.

§ 2411. Effective date.

This chapter shall be effective on and after October 1, 1941. (Added Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 552 (a), 55 Stat. 720.)

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made effective on Oct. 1, 1941, by section 558 thereof.

Chapter 21.—COCONUT AND OTHER VEGETABLE OILS

Sec.

2483. (Payment of proceeds of processing tax to Guam and American Samoa) (New).

§ 2483. (Payment of proceeds of processing tax to Guam and American Samoa).

All taxes collected under this chapter with respect to coconut oil wholly of the production of Guam or American Samoa or produced from materials wholly of the growth or production of Guam or American Samoa, shall be held as separate funds and paid to the Treasury of Guam or American Samoa, respectively. No part of the money from such funds shall be used, directly or indirectly, to pay a subsidy to the producers or processors of copra, coconut oil, or allied products, except that this sentence shall not be construed as prohibiting the use of such money, in accordance with regulations prescribed by the Commissioner with the approval of the Secretary, for the acquisition or construction of facilities for the better curing of copra or for bona fide loans to copra producers of Guam or American Samoa. (Added Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 561 (a), 55 Stat. 725.)

CODIFICATION

Section was enacted without a catchline.

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made applicable only with respect to taxes collected after the date of enactment of that act, by section 561 (b) thereof.

Chapter 25.—FIREARMS

§ 2700. Tax—(a) Rate.

There shall be levied, assessed, collected, and paid upon pistols and revolvers sold or leased by the manufacturer, producer, or importer, a tax equivalent to 11 per centum of the price for which so sold or leased. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 521 (a) (9), 55 Stat. 707.)

* * * * *

TEMPORARY INCREASE IN RATES

Defense tax for 5-year period after June 30, 1940, which increased certain tax rates, and termination thereof by act Sept. 20, 1941, see section 1650 (a) of this title and notes.

AMENDMENT

1941—Subsec. (a) was amended by act Sept. 20, 1941, cited to text, which substituted "11 per centum" for "10 per centum".

EFFECTIVE DATE

The rates specified in act Sept. 20, 1941, cited to text, were made effective on, and applicable only with respect to the period after the date of enactment of that act, by section 521 (b) thereof.

Chapter 25.—LIQUOR

SUBCHAPTER F.—DEFENSE TAX FOR FIVE YEARS

Sec.

3192. Floor stocks tax on wines (New).

(a) Floor stocks tax.

(b) Returns.

(c) Laws applicable

SUBCHAPTER A.—DISTILLED SPIRITS

PART I.—PROVISIONS RELATING TO TAX

§ 2800. Tax—(a) Rate—(1) Distilled spirits generally.

There shall be levied and collected on all distilled spirits in bond or produced in or imported into the United States an internal revenue tax at the rate of \$4 on each proof gallon or wine gallon when below proof and a proportionate tax at a like rate on all fractional parts of such proof or wine gallon, to be paid by the distiller or importer when withdrawn from bond.

* * * * *

(3) Imported perfumes containing distilled spirits.

There shall be levied and collected upon all perfumes imported into the United States containing distilled spirits, a tax of \$4 per wine gallon, and a proportionate tax at a like rate on all fractional parts of such wine gallon. Such tax shall be collected by the collector of customs and deposited as internal revenue collections, under such rules and regulations as the Commissioner, with the approval of the Secretary, may prescribe.

* * * * *

(i) Floor stocks tax.

(1) Upon all distilled spirits upon which the internal-revenue tax imposed by law has been paid, and which on October 1, 1941, are held and intended for sale or for use in the manufacture or production of any article intended for sale, there shall be levied, assessed, collected, and paid a floor stocks tax of \$1 (except that in the case of brandy, the rate shall be \$1.25) on each proof-gallon, and a proportionate tax at a like rate on all fractional parts of such proof-gallon.

(2) Every person required by this subsection to pay any floor stocks tax shall, on or before January 1, 1942, under such regulations as the Commissioner, with the approval of the Secretary, shall prescribe, make a return and pay such tax. Payment of the tax shown to be due may be extended to a date not later than August 1, 1942, upon the filing of a bond for payment thereof in such form and amount and with such surety or sureties as the Commissioner, with the approval of the Secretary, may prescribe.

(3) All provisions of law, including penalties, applicable in respect of internal-revenue taxes on distilled spirits shall, insofar as applicable and not inconsistent with this subsection, be applicable in respect of the floor stocks tax imposed hereunder. For the purposes of this subsection the term "distilled spirits" shall include products produced in such manner that the person producing them is a rectifier within the meaning of section 3254 (g). (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 533 (a) (b) (d), 55 Stat. 708)

AMENDMENTS

1941—Subsecs. (a) (1) and (a) (3) were amended and subsec. (i) was added by act Sept. 20, 1941, § 533 (a). (b), (d), respectively, cited to text

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made effective on and applicable only with respect to the period beginning with, Oct. 1, 1941, by section 536 thereof

TERMINATION OF RATES

Act Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, §§ 536, 550 (a), 55 Stat. 710, 715, provided for the termination of the applicability of the rates specified in subsec. (g) of this section as follows:

"(§ 536.) The amendments made by this Part (act Sept. 20, 1941, Title V, Part III, §§ 531–536, affecting sections 1807, 1850, 2800, 2837, 3030, 3192, and 3400 of this title) shall be applicable only with respect to the period beginning with October 1, 1941, and the rates specified in section 1650 (a), section 1807 (b), section 2004, section 2800 (g), and section 3190 of the Internal Revenue Code shall not apply with respect to such period. This Part shall take effect on October 1, 1941."

"(§ 550) (a) The amendments made by this Part (act Sept. 20, 1941, Title V, Part IV, §§ 541–550, affecting Title 26, Internal Revenue Code, §§ 1700, 1701, 1710, 1712, 1715, 1716, 3403, 3404, 3405, 3409, 3441, 3465, 3466, and Title 16, Conservation, §§ 18e, 407d) shall be applicable only with respect to the period beginning with the effective date of this Part, and the rates specified in section 1650 (a), section 1807 (b), section 2004, section 2800 (g), and section 3190 of the Internal Revenue Code shall not apply with respect to such period. This Part shall take effect on October 1, 1941."

PART III.—INTERNAL REVENUE BONDED WAREHOUSES

§ 2837. Drawback on spirits.

* * * * *

And the entry shall specify the whole number of casks or packages, the marks and serial numbers thereon, the quality or kind of spirits as known in commerce, the number of gauge or wine gallons and of proof gallons; and the amount of the tax on such spirits shall be verified by the oath of the owner of the spirits, and that the tax has been paid thereon, and that they are truly intended to be exported to the port of —, and not to be relanded within the limits of the United States. One bill of lading, duly signed by the master of the vessel, shall be deposited with said collector, to be filed at his office with the entry retained by him. One of said entries shall be, when the shipment is completed, transmitted to the Secretary, to be recorded and filed in his office. The lading on board said vessel shall be only after the receipt of an order or permit signed by the collector of customs and directed to a customs gauger, and after each cask or package shall have been distinctly marked or branded by said gauger as follows: "For export from U. S. A.," and the tax-paid stamps thereon obliterated. The casks or packages shall be inspected and gauged alongside of or on the vessel by the gauger designated by said collector, under such rules and regulations as the Secretary may prescribe; and on application of the said collector it shall be the duty of the surveyor of the port to designate and direct one of the customhouse inspectors to superintend such shipment. And the gauger aforesaid shall make a full return of such inspection and gauging in such form as may be prescribed by the Secretary, showing by whom each cask of such spirits was distilled, the serial number of the cask,

and of the tax-paid stamp attached thereto, the proof and quantity of such spirits as per the original gauge-mark on each cask, and the quantity in proof and wine gallons as per the gauge then made by him. And said gauger shall certify on such return that the shipment has been made, in his presence, on board the vessel named in the entry for export, which return shall be indorsed by said customhouse inspector certifying that the casks or packages have been shipped under his supervision on board said vessel, and the tax-paid stamps obliterated; and the said inspector shall make a similar certificate to the surveyor of the port, indorsed on or to be attached to the entry in possession of the customhouse.

A drawback shall be allowed upon distilled spirits on which the tax has been paid and exported to foreign countries, under the provisions of this section, when exported as herein provided for. The drawback allowed shall include the taxes levied and paid upon the distilled spirits exported, and the rate of drawback shall be equal to the rate of the internal tax paid in respect of the distilled spirits exported, but shall not exceed a rate of \$4 per proof gallon, as per last gauge of said spirits prior to exportation, and shall be due and payable only after the proper entries have been made and filed and all other conditions complied with as hereinbefore required, and on filing with the Secretary the proper claim, accompanied by the certificate of the collector of customs at the port of entry where the spirits are entered for export that such spirits have been received into his custody and the tax-paid stamps thereon obliterated; and the Secretary shall prescribe such rules and regulations in relation thereto as may be necessary to secure the Treasury of the United States against frauds. (As amended Mar. 17, 1941, ch. 21, § 1, 55 Stat. 44, eff. Feb. 11, 1939; Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 533 (c), 55 Stat. 708.)

AMENDMENTS

1941—Second par. was amended by res. Mar. 17, 1941, cited to text, eff. Feb. 11, 1939.

Third paragraph was amended by act Sept. 20, 1941, cited to text, which substituted "but shall not exceed a rate of \$4" for "but shall not exceed a rate of \$3 (or, in the case of brandy, \$2.75)".

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made effective on, and applicable only with respect to the period beginning with, Oct. 1, 1941, by section 536 thereof.

PART IV.—MISCELLANEOUS PROVISIONS RELATING TO DISTILLED SPIRITS

§ 2901. Loss allowances.

* * * * *

(b) Accidental fire or other casualty.

The Secretary, upon the production to him of satisfactory proof of the actual destruction by accidental fire or other casualty, and without any fraud, collusion, or negligence of the owner thereof, of any distilled spirits, while the same remained in the custody of any officer of internal revenue in any internal revenue bonded warehouse or of any grape brandy withdrawn for use in the fortification of sweet wines and destroyed prior to such use while stored in the fortifying room on the winery premises, and before the tax thereon has been paid, may

abate the amount of internal revenue taxes accruing thereon, and may cancel any warehouse bond, or enter satisfaction thereon, in whole or in part, as the case may be. And if such taxes have been collected since the destruction of said spirits or grape brandy, the said Secretary shall refund the same to the owners thereof out of annual appropriations from the general fund of the Treasury. And when any distilled spirits are destroyed by accidental fire or other casualty, without any fraud, collusion, or negligence of the owner thereof, after the time when the same should have been drawn off by the storekeeper-gauger and placed in the internal revenue bonded warehouse provided by law, no tax shall be collected on such spirits so destroyed, or, if collected, it shall be refunded upon the production of satisfactory proof that the spirits were destroyed as herein specified. When the owners of distilled spirits or grape brandy in the cases provided for by this section may be indemnified against such tax by a valid claim of insurance, for a sum greater than the actual value of the distilled spirits or grape brandy before and without the tax being paid, the tax shall not be remitted to the extent of such insurance. (As amended Mar. 17, 1941, ch. 21, § 1, 55 Stat. 45, eff. Feb. 11, 1939.)

* * * * *

AMENDMENTS

1941—Subsec. (b) was amended by res. Mar. 17, 1941, cited to text, eff. Feb. 11, 1939.

§ 2907. Repealed. July 22, 1941, ch. 314, § 3, 55 Stat. 602.

SUBCHAPTER B.—WINES

§ 3030. Tax—(a) Rate—(1) Still wines—(A) Imposition.

Upon all still wines, including vermouth, and all artificial or imitation wines or compounds sold as still wine produced in or imported into the United States after June 30, 1940, or which on July 1, 1940, were on any winery premises or other bonded premises or in transit thereto or at any customhouse, there shall be levied, collected, and paid taxes at rates as follows, when sold or removed for consumption or sale:

On wines containing not more than 14 per centum of absolute alcohol, 8 cents per wine-gallon, the per centum of alcohol under this section to be reckoned by volume and not by weight;

On wines containing more than 14 per centum and not exceeding 21 per centum of absolute alcohol, 30 cents per wine-gallon;

On wines containing more than 21 per centum and not exceeding 24 per centum of absolute alcohol, 65 cents per wine-gallon;

All such wines containing more than 24 per centum of absolute alcohol by volume shall be classed as distilled spirits and shall pay tax accordingly.

Any such wines may, under such regulations as the Commissioner may prescribe, with the approval of the Secretary, be sold or removed tax-free for the manufacture of vinegar, or for the production of dealcoholized wines containing less than one-half of 1 per centum of alcohol by volume.

The taxes imposed by this subparagraph (A) of this paragraph shall not apply to dealcoholized wines containing less than one-half of 1 per centum of alcohol by volume; nor, subject to regulations prescribed by the Commissioner, with the approval of the Secretary, to wines produced for the family use of the duly registered producer thereof and not sold or otherwise removed from the place of manufacture and not exceeding in any case two hundred gallons per year.

(2) Sparkling wines, liqueurs, and cordials.

Upon the following articles which are produced in or imported into the United States, after June 30, 1940, or which on July 1, 1940, are on any winery premises or other bonded premises or in transit thereto or at any customhouse, there shall be levied, collected, and paid, in lieu of the internal-revenue taxes imposed thereon by law prior to such date, taxes at rates as follows, when sold, or removed for consumption or sale:

On each bottle or other container of champagne or sparkling wine, 7 cents on each one-half pint or fraction thereof;

On each bottle or other container of artificially carbonated wine, $3\frac{1}{2}$ cents on each one-half pint or fraction thereof;

On each bottle or other container of liqueurs, cordials, or similar compounds, by whatever name sold or offered for sale, containing sweet wine, citrus-fruit wine, peach wine, cherry wine, berry wine, apricot wine, prune wine, plum wine, pear wine, or apple wine, fortified, respectively, with grape brandy, citrus-fruit brandy, peach brandy, cherry brandy, berry brandy, apricot brandy, prune brandy, plum brandy, pear brandy, or apple brandy, $3\frac{1}{2}$ cents on each one-half pint or fraction thereof.

Any of the foregoing articles containing more than 24 per centum of absolute alcohol by volume (except vermouth, liqueurs, cordials, and similar compounds made in rectifying plants and containing tax-paid sweet wine, citrus-fruit wine, peach wine, cherry wine, berry wine, apricot wine, prune wine, plum wine, pear wine, or apple wine, fortified, respectively, with grape brandy, citrus-fruit brandy, peach brandy, cherry brandy, berry brandy, apricot brandy, prune brandy, plum brandy, pear brandy, or apple brandy) shall be classed as distilled spirits and shall be taxed accordingly.

The Commissioner, under regulations prescribed by him, with the approval of the Secretary, is authorized to remit, refund, and pay back the amount of all taxes on such liqueurs, cordials, and similar compounds paid by or assessed against rectifiers at the distilled spirits rate prior to June 26, 1936. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 534 (a, b), 55 Stat. 709.)

AMENDMENTS

1941—Subsecs. (a) (1) (A) and (a) (2) were amended by act Sept. 20, 1941, § 534 (a), (b), respectively, cited to text, which increased rates.

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made effective on, and applicable only with respect to the period beginning with, Oct. 1, 1941, by section 536 thereof.

TEMPORARY INCREASE IN RATES

Defense tax for 5-year period after June 30, 1940, which increased certain tax rates, and termination thereof by act Sept. 20, 1941, see section 3190 of this title and notes

§ 3045. Application of natural wine provisions to citrus-fruit wines and other like wines.

DERIVATION

Act Feb. 24, 1919, ch. 18, § 610, 40 Stat. 1109, was also amended by act Aug. 29, 1935, ch. 814, § 11, 49 Stat. 987.

SUBCHAPTER D.—FERMENTED LIQUORS

§ 3159. Tax—(a) Rate.

There shall be levied and collected on all beer, lager beer, ale, porter, and other similar fermented liquor, containing one-half of 1 per centum, or more, of alcohol, brewed or manufactured and sold, or removed for consumption or sale, within the United States, by whatever name such liquors may be called, a tax of \$6 for every barrel containing not more than thirty-one gallons, and at a like rate for any other quantity or for the fractional parts of a barrel authorized and defined by law. In estimating and computing such tax, the fractional parts of a barrel shall be halves, thirds, quarters, sixths, and eighths; and any fractional part of a barrel, containing less than one-eighth, shall be accounted one-eighth; more than one-eighth, and not more than one-sixth, shall be accounted one-sixth; more than one-sixth, and not more than one-fourth, shall be accounted one-fourth; more than one-fourth, and not more than one-third, shall be accounted one-third; more than one-third, and not more than one-half, shall be accounted one-half; more than one-half, and not more than one barrel, shall be accounted one barrel; and more than one barrel, and not more than sixty-three gallons, shall be accounted two barrels, or a hogshead.

The provisions of this section requiring the accounting of hogsheads, barrels, and fractional parts of barrels at the next higher quantity shall not apply where the contents of such hogsheads, barrels, or fractional parts of barrels are within the limits of tolerance established by the Commissioner by regulations which he is hereby authorized to prescribe with the approval of the Secretary; and no assessment shall be made and no tax shall be collected for any excess in any case where the contents of the hogsheads, barrels, or fractional parts of barrels heretofore or hereafter used are within the limits of the tolerance so prescribed. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 521 (a) (10), 55 Stat. 707.)

AMENDMENTS

1941—Subsec. (a) was amended by act Sept. 20, 1941, cited to text, which substituted "\$6" for "\$5."

EFFECTIVE DATE

The rates specified in act Sept. 20, 1941, cited to text, were made effective on, and applicable only with respect to the period after the date of enactment of that act, by section 521 (b) thereof.

TEMPORARY INCREASE IN RATES

Defense tax for 5-year period after June 30, 1940, which increased certain tax rates, and termination thereof by act Sept. 20, 1941, see section 3190 of this title and notes.

SUBCHAPTER E—MISCELLANEOUS GENERAL PROVISIONS

§ 3170. Transfer and delegation of powers.

The Secretary is authorized to confer and impose upon the Commissioner and any of his assistants, agents, or employees, and upon any other officer, employee, or agent of the Treasury Department, any of the rights, privileges, powers, duties, and protection conferred or imposed upon the Secretary, or any officer or employee of the Treasury Department, by any law now or hereafter in force relating to the taxation, exportation, transportation, manufacture, possession, or use of, or traffic in, distilled spirits, wine, fermented liquors, or denatured alcohol. (As amended Mar. 17, 1941, ch. 21, § 1, 55 Stat. 45, eff. Feb. 11, 1939.)

SUBCHAPTER F.—DEFENSE TAX FOR FIVE YEARS

§ 3190. Defense tax for five years.

TERMINATION OF RATES

Act Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, §§ 521 (b), 536, 550 (a), 55 Stat. 708, 710, 715, provided for the termination of the applicability of the rates specified in this section as follows:

"(§ 521.) (b) The rates specified in subsection (a) (of act Sept. 20, 1941, § 521, affecting sections 1700, 1801, 1802, 1804, 1806, 2000, 2700, 3150, 3250, 3407, 3411, 3412, 3413, 3460, 3431, and 3482 of this title) shall be applicable only with respect to the period after the date of the enactment of this Act, and the rates specified in section 1650 (a), section 2004, and section 3190 of the Internal Revenue Code shall not apply with respect to such period."

"(§ 536.) The amendments made by this Part (act Sept. 20, 1941, title V, part III, §§ 531-536, affecting sections 1807, 1850, 2800, 2387, 3030, 3192, and 3400 of this title) shall be applicable only with respect to the period beginning with October 1, 1941, and the rates specified in section 1650 (a), section 1807 (b), section 2004, section 2800 (g), and section 3190 of the Internal Revenue Code shall not apply with respect to such period. This Part shall take effect on October 1, 1941."

"(§ 550.) (a) The amendments made by this Part (act Sept. 20, 1941, title V, part IV, §§ 541-550, affecting Title 26, Internal Revenue Code, §§ 1700, 1701, 1710, 1712, 1715, 1716, 3403, 3404, 3405, 3409, 3441, 3465, 3466, and Title 16, Conservation, §§ 18e, 407d) shall be applicable only with respect to the period beginning with the effective date of this Part, and the rates specified in section 1650 (a), section 1807 (b), section 2004, section 2800 (g), and section 3190 of the Internal Revenue Code shall not apply with respect to such period. This Part shall take effect on October 1, 1941."

§ 3192. Floor stocks tax on wines—(a) Floor stocks tax.

Upon all wines upon which the internal-revenue tax imposed by law has been paid, and which on October 1, 1941, are held and intended for sale or for use in the manufacture or production of an article intended for sale, there shall be levied, assessed, collected, and paid a floor stocks tax at rates equal to the increases in rates of tax (over the defense tax rates) made applicable to such articles by section 534 of the Revenue Act of 1941.¹

(b) Returns.

Every person required by subsection (a) to pay any floor stocks tax shall, on or before January 1, 1942, under such regulations as the Commissioner, with the approval of the Secretary, shall prescribe,

make a return and pay such tax. Payment of the tax shown to be due may be extended to a date not later than August 1, 1942, upon the filing of a bond for payment thereof in such form and amount and with such surety or sureties as the Commissioner, with the approval of the Secretary, may prescribe.

(c) Laws applicable.

All provisions of law, including penalties, applicable in respect of the taxes imposed by section 3030 (a) shall, insofar as applicable and not inconsistent with this subsection, be applicable with respect to the floor stocks tax imposed by subsection (a). (Added Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 534 (c), 55 Stat. 709.)

¹ Act Sept. 20, 1941, § 534, cited to text, which affected this section and section 3030 of this title.

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made effective on, and applicable only with respect to the period beginning with, Oct. 1, 1941, by section 536 thereof.

Chapter 27.—OCCUPATIONAL TAXES

SUBCHAPTER A.—SPECIAL PROVISIONS

PART IX.—COIN-OPERATED AMUSEMENT AND GAMING DEVICES (NEW)

Sec
3267 Tax on coin-operated amusement and gaming devices.
(a) Rate.
(b) Definition.
(c) Applicability of administrative provisions.
(d) Effective date of tax.

PART X.—BOWLING ALLEYS, AND BILLIARD AND POOL TABLES (NEW)

3268 Tax on bowling alleys, and billiard and pool tables.
(a) Rate.
(b) Effective date of tax.

SUBCHAPTER A.—SPECIAL PROVISIONS

PART VII.—LIQUOR

§ 3250. Tax—(a) Wholesale dealers in liquors—(1) In general.

Wholesale dealers in liquors shall pay a special tax of \$110.

* * * * *

(b) Retail dealers in liquors—(1) In general.

Except as provided in paragraph (3) of subsection (e), retail dealers in liquors shall pay a special tax of \$27.50.

* * * * *

(c) Brewers—(1) In general.

Brewers shall pay \$110 in respect of each brewery: *Provided*, That any brewer of less than 500 barrels a year shall pay the sum of \$55.

* * * * *

(d) Wholesale dealers in malt liquors—(1) In general.

Wholesale dealers in malt liquors shall pay a special tax of \$55.

* * * * *

(e) Retail dealers in malt liquors—(1) In general.

Retail dealers in malt liquors shall pay a special tax of \$22.

* * * * *

(3) Persons selling to entertainments and outings.

Notwithstanding the provisions of this part, each person making sales of fermented malt liquor or wine to the members, guests, or patrons of bona-fide fairs, reunions, picnics, carnivals, or other similar outings, and each fraternal, civic, church, labor, charitable, benevolent, or ex-service men's organization making sales of fermented malt liquor or wine on the occasion¹ of any kind of entertainment, dance, picnic, bazaar, or festival held by it, if such person or organization is not otherwise engaged in business as a wholesale or retail liquor dealer or as a wholesale or retail malt liquor dealer, shall pay, before any such sales are made and in lieu of the special taxes imposed by paragraph (1) of this subsection and of subsection (b) a special tax of \$2.20 as a retail dealer in malt liquors, if fermented malt liquor only is sold, or a special tax of \$2.20 as a retail dealer in liquors if wine only, or wine and fermented malt liquor only, are sold for each calendar month in which any such sales are made.

* * * *

(f) Rectifiers—(1) Rate of tax.

Rectifiers of distilled spirits shall pay a special tax of \$220: *Provided*, That any rectifier of less than 500 barrels a year, counting 40 gallons of proof spirits to the barrel, shall pay \$110.

* * * *

(j) Manufacturers of stills—(1) In general.

Manufacturers of stills shall each pay a special tax of \$55, and \$22 for each still or worm for distilling made by him. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 521 (a) (11)—(17), 55 Stat. 707.)

* * * *

¹ So in original. Probably should read "occasion."

AMENDMENTS

1941—Act. Sept. 20, 1941, cited to text, increased the rates specified in this section, as follows:

- Subsec. (a) (1), from \$100 to \$110;
- Subsec. (b) (1), from \$25 to \$27.50;
- Subsec. (c) (1), from \$100 to \$110, and from \$50 to \$55;
- Subsec. (d) (1), from \$50 to \$55;
- Subsec. (e) (1), from \$20 to \$22;
- Subsec. (e) (3), from \$2 to \$2.20;
- Subsec. (f) (1), from \$200 to \$220, and from \$100 to \$110;
- Subsec. (j), from \$50 to \$55, and from \$20 to \$22.

EFFECTIVE DATE

The rates specified in act Sept. 20, 1941, cited to text, were made effective on, and applicable only with respect to the period after the date of enactment of that act, by section 521 (b) thereof.

TEMPORARY INCREASE IN RATES

Defense tax for 5-year period after June 30, 1940, which increased certain tax rates, and termination thereof by act Sept. 20, 1941, see section 1650 (a) of this title and notes.

PART IX.—COIN-OPERATED AMUSEMENT AND GAMING DEVICES (NEW)

Part was added by act Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 555, 55 Stat. 722, which was made effective on Oct. 1, 1941, by section 558 of that act.

§ 3267. Tax on coin-operated amusement and gaming devices—(a) Rate.

Every person who maintains for use or permits the use of, on any place or premises occupied by him, a coin-operated amusement or gaming device shall pay a special tax as follows:

- (1) \$10 per year in the case of a device defined in clause (1) of subsection (b);
- (2) \$50 per year, in the case of a device defined in clause (2) of subsection (b); and
- (3) \$10 or \$50, as the case may be, for each additional device so maintained or the use of which is so permitted. If one such device is replaced by another, such other device shall not be considered an additional device.

(b) Definition.

As used in this part the term "coin-operated amusement and gaming devices" means (1) so-called "pin-ball" and other similar amusement machines, operated by means of the insertion of a coin, token, or similar object, and (2) so-called "slot" machines which operate by means of insertion of a coin, token, or similar object and which, by application of the element of chance, may deliver, or entitle the person playing or operating the machine to receive, cash, premiums, merchandise, or tokens. The term does not include bona fide vending machines in which are not incorporated gaming or amusement features.

(c) Applicability of administrative provisions.

An operator of a place or premises who maintains for use or permits the use of any coin-operated device shall be considered, for the purposes of subchapter B, to be engaged in a trade or business in respect of each such device.

(d) Effective date of tax.

With respect to the year ending June 30, 1942, no tax shall be payable under this part for any period prior to October 1, 1941. (Added Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 555, 55 Stat. 722.)

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made effective on Oct. 1, 1941, by section 558 thereof.

PART X.—BOWLING ALLEYS, AND BILLIARD AND POOL TABLES (NEW)

Part was added by act Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 556, 55 Stat. 723, which was made effective on Oct. 1, 1941, by section 558 of that act.

§ 3268. Tax on bowling alleys, and billiard and pool tables—(a) Rate.

Every person who operates a bowling alley, billiard room, or pool room shall pay a special tax of \$10 per year for each bowling alley, billiard table, or pool table. Every building or place where bowls are thrown or where games of billiards or pool are played, except in private homes, shall be regarded as a bowling alley, billiard room, or pool room, respectively.

(b) Effective date of tax.

With respect to the year ending June 30, 1942, no tax shall be payable under this part for any period

prior to October 1, 1941. (Added Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 556, 55 Stat. 723.)

EFFECTIVE DATE

Act Sept 20, 1941, cited to text, was made effective on Oct. 1, 1941, by section 558 thereof.

Chapter 28.—PROVISIONS COMMON TO MISCELLANEOUS TAXES

SUBCHAPTER B.—PROVISIONS OF SPECIAL APPLICATION TO THE PHILIPPINES, VIRGIN ISLANDS, AND PUERTO RICO

PART I.—PHILIPPINE ISLANDS

§ 3341. Shipments from the United States.

* * * *

(c) Draw-back of tax paid in the United States.

All provisions of law for the allowance of draw-back of internal revenue tax on articles exported from the United States are, so far as applicable, extended to like articles upon which an internal revenue tax has been paid when shipped from the United States to the Philippine Islands. (As amended July 22, 1941, ch. 314, § 1, 55 Stat. 602.)

AMENDMENTS

1941—Subsec. (c) amended by act July 22, 1941, cited to text, which omitted words "existing on March 4, 1915" after words "All provisions of law."

PART II.—VIRGIN ISLANDS

§ 3351. Shipments from the United States.

* * * *

(c) Draw-back of tax paid in the United States.

All provisions of law for the allowance of draw-back of internal revenue tax on articles exported from the United States are, so far as applicable, extended to like articles upon which an internal revenue tax has been paid when shipped from the United States to the Virgin Islands. (As amended July 22, 1941, ch. 314, § 2, 55 Stat. 602.)

AMENDMENTS

1941—Subsec. (c) was added by act July 22, 1941, cited to text.

PART III.—PUERTO RICO

§ 3361. Shipments from the United States.

* * * *

(c) Draw-back of tax paid in the United States.

All provisions of law for the allowance of draw-back of internal revenue tax on articles exported from the United States are, so far as applicable, extended to like articles upon which an internal revenue tax has been paid when shipped from the United States to Puerto Rico, Guam, or American Samoa. (As amended July 22, 1941, ch. 314, § 3, 55 Stat. 602.)

AMENDMENTS

1941—Subsec. (c) was amended by act July 22, 1941, cited to text, which omitted words "in effect March 4, 1915," following words "All provisions of law" and added at end words "Guam, or American Samoa."

SUBTITLE C.—MANUFACTURERS' EXCISE AND IMPORT TAXES AND TEMPORARY TAXES

Subtitle heading was amended by act Sept. 20, 1941, 12:15 p. m. E. S. T., ch. 412, title V, § 533, 55 Stat. 706.

Chapter 29.—MANUFACTURERS' EXCISE AND IMPORT TAXES

SUBCHAPTER A.—MANUFACTURERS' EXCISE TAXES

Sec

3406 Excise taxes imposed by the Revenue Act of 1941 (New).

SUBCHAPTER C.—GENERAL ADMINISTRATIVE PROVISIONS

3453. Existing contracts (New).

- (a) Tax payable by vendee.
- (b) Tax paid to vendor.

SUBCHAPTER A.—MANUFACTURERS' EXCISE TAXES

§ 3403. Tax on tires and inner tubes—(a) Tax.

There shall be imposed upon the following articles sold by the manufacturer, producer, or importer, a tax at the following rates:

(1) Tires wholly or in part of rubber, 5 cents a pound on total weight (exclusive of metal rims or rim bases), to be determined under regulations prescribed by the Commissioner with the approval of the Secretary.

(2) Inner tubes (for tires) wholly or in part of rubber, 9 cents a pound on total weight, to be determined under regulations prescribed by the Commissioner with the approval of the Secretary.

(b) Floor stocks tax.

Upon tires and inner tubes subject to tax under subsection (a) of the type used on vehicles subject to tax under section 3403 (a) or (b) which on October 1, 1941, are held for sale by any person there shall be levied, assessed, collected, and paid a floor stocks tax at the rate of 2½ cents per pound in the case of tires and 4½ cents per pound in the case of inner tubes. The tax shall apply to tires and inner tubes held for sale on, or in connection with, or held for use in the manufacture or production of, articles the sale of which will be subject to tax under section 3403 (a) or (b). The tax shall not apply to tires and inner tubes held for sale by the manufacturer, producer, or importer thereof, and to tires and inner tubes the sale of which will be subject under the provisions of sections 3444 (a) (2) and 3445 to the manufacturers' tax on tires and inner tubes. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 535, 55 Stat. 709.)

AMENDMENTS

1941—Subsec. (a), formerly entire section, was designated "(a) Tax" and pars. (1) and (2) thereof were amended by act Sept. 20, 1941, § 535 (c), (a), (b), respectively, cited to text. Amendments to pars. (1) and (2)

substituted "5 cents" for "2¼ cents" and "9 cents" for "4 cents", respectively.

Subsec. (b) was added by act Sept. 20, 1941, § 535 (c), cited to text.

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made effective on, and applicable only with respect to the period beginning with, Oct. 1, 1941, by section 536 thereof.

TEMPORARY INCREASE IN RATES

Defense tax for 5-year period after June 30, 1940, which increased certain tax rates, and termination thereof by act Sept. 20, 1941, see section 1650 (a) of this title and notes.

§ 3401. Tax on toilet preparations, etc.

TERMINATION OF TAX

Act Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 552 (b), 55 Stat. 720, which was made effective on Oct. 1, 1941, by section 558 thereof, provided as follows: "The tax imposed by section 3401 of the Internal Revenue Code shall not apply to articles sold on or after October 1, 1941."

TEMPORARY INCREASE IN RATES

Defense tax for 5-year period after June 30, 1940, which increased certain tax rates, and termination thereof by act Sept. 20, 1941, see section 1650 (a) of this title and notes.

§ 3403. Tax on automobiles, etc.

(a) Automobile truck chassis, automobile truck bodies, automobile bus chassis, automobile bus bodies, truck and bus trailer and semitrailer chassis, truck and bus trailer and semitrailer bodies, tractors of the kind chiefly used for highway transportation in combination with a trailer or semitrailer (including in each of the above cases parts or accessories therefor sold on or in connection therewith or with the sale thereof), 5 per centum. A sale of an automobile truck, bus, or truck or bus trailer or semitrailer, shall, for the purposes of this subsection, be considered to be a sale of the chassis and of the body.

(b) Other automobile chassis and bodies, chassis and bodies for trailers or semitrailers suitable for use in connection with passenger automobiles, and motorcycles (including in each case parts or accessories therefor sold on or in connection therewith or with the sale thereof), except tractors, 7 per centum. A sale of an automobile, trailer, or semitrailer shall, for the purposes of this subsection, be considered to be a sale of the chassis and of the body.

(c) Parts or accessories (other than tires and inner tubes and other than radios) for any of the articles enumerated in subsection (a) or (b), 5 per centum. For the purposes of this subsection and subsections (a) and (b), spark plugs, storage batteries, leaf springs, coils, timers, and tire chains, which are suitable for use on or in connection with,

or as component parts of, any of the articles enumerated in subsection (a) or (b), shall be considered parts or accessories for such articles, whether or not primarily adapted for such use. This subsection shall not apply to chassis or bodies for automobile trucks or other automobiles. Under regulations prescribed by the Commissioner, with the approval of the Secretary, the tax under this subsection shall not apply in the case of sales of parts or accessories by the manufacturer, producer, or importer to a manufacturer or producer of any of the articles enumerated in subsection (a) or (b). If any such parts or accessories are resold by such vendee otherwise than on or in connection with, or with the sale of, an article enumerated in subsection (a) or (b) and manufactured or produced by such vendee, then for the purposes of this section the vendee shall be considered the manufacturer or producer of the parts or accessories so resold.

* * * * *

(e) If tires or inner tubes on which tax has been imposed under this chapter are sold on or in connection with, or with the sale of, a chassis, body, or motorcycle, there shall (under regulations prescribed by the Commissioner, with the approval of the Secretary) be credited against the tax under this section an amount equal to, in the case of an article taxable under subsection (a), 5 per centum, and in the case of an article taxable under subsection (b), 7 per centum—

(1) of the purchase price (less, in the case of tires, the part of such price attributable to the metal rim or rim base) if such tires or inner tubes were taxable under section 3400 (relating to tax on tires, inner tubes, or automobile radios) or, in the case of automobile radios, if such radios were taxable under section 3404; or

(2) if such tires, inner tubes, or automobile radios were taxable under section 3444 (relating to use by manufacturer, producer, or importer) then of the price (less, in the case of tires, the part of such price attributable to the metal rim or rim base) at which such or similar tires, inner tubes, or automobile radios are sold, in the ordinary course of trade, by manufacturers, producers, or importers thereof, as determined by the Commissioner. In lieu of the rates of credit of 5 per centum and 7 per centum above provided, the rates, respectively, for the following periods, shall be as follows:

(A) With respect to the period after June 30, 1940, and before the effective date of the increase in tax on automobiles made by the Revenue Act of 1941,¹ 2½ per centum and 3½ per centum; and

(B) With respect to the period before July 1, 1940, 2 per centum and 3 per centum.

(f) Repealed. Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 544 (d), 55 Stat. 712.

(As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, §§ 544, 553 (d), 55 Stat. 711, 721.)

¹ Revenue Act of 1941 is act Sept. 20, 1941, cited to text.

AMENDMENTS

1941—Subsecs. (a), (b), and first sentence of (c) were amended by act Sept. 20, 1941, § 544 (a), (a), and (b), respectively, cited to text.

Subsec (e) was amended by act Sept. 20, 1941, §§ 544 (c), 553 (d), cited to text. The former amended the subsection generally and the latter inserted matter relating to automobile radios.

Subsec. (f) was repealed by act Sept. 20, 1941, § 544 (d), cited to text.

EFFECTIVE DATE

Act Sept. 20, 1941, § 544, cited to text and affecting subsecs (a), (b), (c), (e), and (f) of this section, was made effective on, and applicable only with respect to the period beginning with, Oct. 1, 1941, by section 550 (a) thereof. Section 553 (d) of that act, also cited, and which affected subsec. (e) of this section, was made effective on Oct. 1, 1941, by section 558 thereof.

TEMPORARY INCREASE IN RATES

Defense tax for 5-year period after June 30, 1940, which increased certain tax rates, and termination thereof by act Sept. 20, 1941, see section 1650 (a) of this title and notes.

§ 3404. Tax on radio receiving sets, phonographs, phonograph records, and musical instruments.

There shall be imposed upon the following articles (including in each case, except in the case of musical instruments, parts or accessories therefor sold on or in connection with the sale thereof) sold by the manufacturer, producer, or importer a tax equivalent to 10 per centum of the price for which sold:

(a) Radio receiving sets, automobile radio receiving sets, combination radio and phonograph sets, and phonographs.

(b) Chassis, cabinets, tubes, reproducing units, power packs, antennae of the "built-in" type, and phonograph mechanisms, which are suitable for use on or in connection with, or as component parts of, any of the articles enumerated in subsection (a), whether or not primarily adapted for such use.

(c) Phonograph records.

(d) Musical instruments. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 545, 55 Stat. 712.)

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made effective on, and applicable only with respect to the period beginning with, Oct. 1, 1941, by section 550 (a) thereof.

TEMPORARY INCREASE IN RATES

Defense tax for 5-year period after June 30, 1940, which increased certain tax rates, and termination thereof by act Sept. 20, 1941, see section 1650 (a) of this title and notes.

§ 3405. Tax on refrigerators, refrigerating apparatus, and air-conditioners.

There shall be imposed on the following articles (including in each case parts or accessories therefor sold on or in connection with the sale thereof) sold by the manufacturer, producer, or importer a tax equivalent to 10 per centum of the price for which so sold:

(a) Refrigerators, etc.

Refrigerators, beverage coolers, ice cream cabinets, water coolers, food and beverage display cases, food and beverage storage cabinets, ice making machines, and milk cooler cabinets, each such article having, or being primarily designed for use with, a mechanical refrigerating unit operated by electricity, gas, kerosene, or gasoline.

(b) Refrigerating apparatus.

Compressors, condensers, evaporators, expansion units, absorbers, and controls, for, or suitable for use as part of, or with, a refrigerating plant, refrigerating system, refrigerating equipment or unit, or any of the articles enumerated in subsection (a).

(c) Air-conditioners.

Self-contained air-conditioning units.

(d) Components.

Cabinets, compressors, condensers, fans, blowers, heating coils, cooling coils, filters, humidifiers, and controls, for, or suitable for use as part of, or with, any of the articles enumerated in subsection (c). (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 546, 55 Stat. 713.)

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made effective on, and applicable only with respect to the period beginning with, Oct. 1, 1941, by section 550 (a) thereof.

TEMPORARY INCREASE IN RATES

Defense tax for 5-year period after June 30, 1940, which increased certain tax rates, and termination thereof by act Sept. 20, 1941, see section 1650 (a) of this title and notes.

§ 3406. Excise taxes imposed by the Revenue Act of 1941—(a) Imposition.

There shall be imposed on the following articles, sold by the manufacturer, producer, or importer, a tax equivalent to the rate, on the price for which sold, set forth in the following paragraphs (including in each case parts or accessories of such articles sold on or in connection therewith, or with the sale thereof):

(1) Sporting goods.

Badminton nets; badminton rackets (measuring 22 inches over-all or more in length); badminton racket frames (measuring 22 inches over-all or more in length); badminton racket string; badminton shuttlecocks, badminton standards; baseballs; baseball bats (measuring 26 inches or more in length); baseball body protectors and shin guards; baseball gloves and mitts; baseball masks; basketballs; billiard and pool tables (measuring 45 inches over-all or more in length); billiard and pool balls and cues for such tables; bowling balls and pins; boxing gloves, masks, head guards, and ear guards; clay pigeons; cricket balls; cricket bats; croquet balls and mallets; curling stones; deck tennis rings, nets, and posts; fencing equipment; fishing rods, creels, reels, and artificial lures, baits, and flies; footballs; football harness; football helmets; golf bags (measuring 26 inches or more in length); golf balls; golf clubs (measuring 30 inches or more in length); gymnasium equipment and apparatus; hockey balls; hockey pucks; hockey sticks (measuring 30 inches or more in length); indoor baseballs; indoor baseball bats (measuring 26 inches or more in length); indoor baseball gloves and mitts; lacrosse balls; lacrosse sticks; mass balls; polo balls; polo mallets; push balls; skates; skis; ski poles; snow shoes; snow toboggans and sleds; soccer balls; softball balls; softball bats (measuring 26 inches or more in length); softball gloves and mitts; squash balls; squash rackets (measuring 22 inches over-all or more

in length); squash racket frames (measuring 22 inches over-all or more in length); squash racket string; tennis balls; table tennis tables, balls, nets, and paddles; tennis nets; tennis rackets (measuring 22 inches over-all or more in length); tennis racket frames (measuring 22 inches over-all or more in length); tennis racket string; track hurdles; traps for throwing clay pigeons; vaulting poles, cross bars, and standards; volley balls, nets, and standards; water polo balls and goals; and wrestling head harness; 10 per centum.

(2) Luggage.

Trunks, valises, traveling bags, suitcases, hat boxes for use by travelers, fitted toilet cases (not including contents), and other traveler's luggage, and leather and imitation leather brief cases, 10 per centum

(3) Electric, gas, and oil appliances.

Electric direct motor-driven fans and air circulators; electric, gas, or oil water heaters; electric flat irons; electric air heaters (not including furnaces); electric immersion heaters; electric heating pads and blankets; electric, gas, or oil appliances of the type used for cooking, warming, or keeping warm food or beverages for consumption on the premises; electric mixers, whippers, and juicers; and household type electric vacuum cleaners; 10 per centum.

(4) Photographic apparatus.

Cameras and lenses; unexposed photographic films (including motion picture films but not including X-ray film), photographic plates and sensitized paper; photographic apparatus and equipment; and any apparatus or equipment designed especially for use in the taking of photographs or motion pictures or in the developing, printing, or enlarging of photographs or motion picture films; 10 per centum.

(5) Electric signs.

Neon-tube signs, electric signs, and electric vertising devices, 10 per centum.

(6) Business and store machines.

Adding machines, addressing machines, autographic registers, bank proof machines, billing machines, bookkeeping machines, calculating machines, card punching machines, cash registers, change making machines, check writing machines, check signing machines, check canceling machines, check perforating machines, check cutting machines, check dating machines, other check protector machine devices, computing machines, coin counters, dictographs, dictating machine record shaving machines, dictating machines, duplicating machines, embossing machines, envelope opening machines, erasing machines, folding machines, fanfold machines, fare registers, fare boxes, listing machines, line-a-time and similar machines, mailing machines, multigraph machines, multigraph typesetting machines, multigraph type justifying machines, numbering machines, portable paper fastening machines, pay roll machines, pencil sharpeners, postal permit mailing machines, punch card machines, sorting machines, stencil cutting machines, shorthand writing machines, sealing machines, tabulating machines, ticket counting machines, ticket issuing machines, typewriters, transcribing machines, time recording

devices, and combinations of any of the foregoing, 10 per centum.

(7) Rubber articles.

Articles of which rubber is the component material of chief weight, 10 per centum. The tax imposed under this paragraph shall not be applicable to footwear, articles designed especially for hospital or surgical use, or articles taxable under any other provision of this chapter.

(8) Washing machines.

Washing machines of the kind used in commercial laundries, 10 per centum. No tax shall be imposed under this paragraph on washing machines of the household type.

(9) Optical equipment.

Refractometers; spectrometers; spectroscopes; colorimeters; polariscopes; optical measuring instruments; telescopic sights; projection lenses and prisms; optical machinery; microscopes; telescopes; photo-micro and micro-projection apparatus; fire control optical instruments; and searchlight mirrors and reflectors; 10 per centum.

(10) Electric light bulbs and tubes.

Electric light bulbs and tubes, not including articles taxable under any other provision of this subchapter, 5 per centum.

(b) Exemption if article taxable as jewelry.

No tax shall be imposed under this section on any article taxable under section 2400 (relating to jewelry tax).

(c) Effective date.

This section shall take effect on October 1, 1941. (Added Sept. 21, 1941, 12:15 p. m. E. S. T., ch. 412, title V, § 551, 55 Stat. 716.)

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made effective on Oct. 1, 1941, by section 558 thereof.

§ 3407. Tax on firearms, shells, and cartridges.

There shall be imposed upon firearms, shells, and cartridges, sold by the manufacturer, producer, or importer, a tax equivalent to 11 per centum of the price for which so sold. The tax imposed by this section shall not apply (1) to articles sold for the use of the United States, any State, Territory, or possession of the United States, any political subdivision thereof, or the District of Columbia, or (2) to pistols and revolvers.

The taxes imposed by this section shall not apply to any firearm on which the tax provided by section 2720 has been paid.

The provisions of section 3452 (relating to expiration of taxes) shall not apply to the tax imposed by this section. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 521 (a) (18), 55 Stat. 707.)

AMENDMENTS

1941—Act Sept. 20, 1941, cited to text, substituted "11 per centum" for "10 per centum".

EFFECTIVE DATE

The rates specified in act Sept. 20, 1941, cited to text, were made effective on, and applicable only with respect to the period after the date of enactment of that act, by section 521 (b) thereof.

TEMPORARY INCREASE IN RATES

Defense tax for 5-year period after June 30, 1940, which increased certain tax rates, and termination thereof by act Sept. 20, 1941, see section 1650 (a) of this title and notes

§ 3409. Tax on matches—(a) Manufacturers' tax.

There shall be imposed upon matches sold by the manufacturer, producer, or importer, a tax of 2 cents per 1,000 matches, except that in the case of fancy wooden matches and wooden matches having a stained, dyed, or colored stick or stem, packed in boxes or in bulk, the tax shall be 5½ cents per 1,000 matches.

(b) Floor stocks tax.

On matches subject to tax under subsection (a) which, on October 1, 1941, are held and intended for sale, or for disposition in connection with the sale of other articles, there shall be levied, assessed, collected, and paid a floor stocks tax at the rate of 2 cents per thousand matches. The tax shall not apply to matches in retail stocks held at the place where intended to be sold or disposed of. The tax shall not apply to matches held for sale by the manufacturer, producer, or importer thereof, nor to fancy wooden matches or wooden matches having a stained, dyed, or colored stick or stem. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 547, 55 Stat. 713.)

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made effective on, and applicable only with respect to the period beginning with, Oct. 1, 1941, by section 550 (a) thereof.

TEMPORARY INCREASE IN RATES

Defense tax for 5-year period after June 30, 1940, which increased certain tax rates, and termination thereof by act Sept. 20, 1941, see section 1650 (a) of this title and notes.

§ 3411. Tax on electrical energy for domestic or commercial consumption.

(a) There shall be imposed upon electrical energy sold for domestic or commercial consumption and not for resale a tax equivalent to 3½ per centum of the price for which so sold, to be paid by the vendor under such rules and regulations as the Commissioner, with the approval of the Secretary, shall prescribe. The sale of electrical energy to an owner or lessee of a building, who purchases such electrical energy for resale to the tenants therein, shall for the purposes of this section be considered as a sale for consumption and not for resale, but the resale to the tenant shall not be considered a sale for consumption.

(b) The provisions of sections 3441, 3444, and 3447 shall not be applicable with respect to the tax imposed by this section.

(c) No tax shall be imposed under this section upon electrical energy sold to the United States or to any State or Territory, or political subdivision thereof, or the District of Columbia. None of the provisions of this section shall apply to publicly owned electric and power plants, or to electric and power plants or systems owned and operated by cooperative or nonprofit corporations engaged in rural electrification. The right to exemption under this subsection shall be evidenced in such manner as the Com-

missioner, with the approval of the Secretary, may, by regulation, prescribe. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 521 (a), (19), 55 Stat. 707.)

AMENDMENTS

1941—Act Sept. 20, 1941, cited to text, substituted "3½ per centum" for "3 per centum".

EFFECTIVE DATE

The rates specified in act Sept. 20, 1941, cited to text, were made effective on, and applicable only with respect to the period after the date of enactment of that act, by section 521 (b) thereof.

TEMPORARY INCREASE IN RATES

Defense tax for 5-year period after June 30, 1940, which increased certain tax rates, and termination thereof by act Sept. 20, 1941, see section 1650 (a) of this title and notes.

§ 3412. Tax on gasoline.

(a) There shall be imposed on gasoline sold by the producer or importer thereof, or by any producer of gasoline, a tax of 1½ cent a gallon, except that under regulations prescribed by the Commissioner with the approval of the Secretary the tax shall not apply in the case of sales to a producer of gasoline. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 521 (a) (20), 55 Stat. 707.)

* * * * *

AMENDMENTS

1941—Subsec. (a) was amended by act Sept. 20, 1941, cited to text, which substituted "1½ cents" for "1 cent."

EFFECTIVE DATE

The rates specified in act Sept. 20, 1941, cited to text, were made effective on, and applicable only with respect to the period after the date of enactment of that act, by section 521 (b) thereof.

TEMPORARY INCREASE IN RATES

Defense tax for 5-year period after June 30, 1940, which increased certain tax rates, and termination thereof by act Sept. 20, 1941, see section 1650 (a) of this title and notes.

§ 3413. Tax on lubricating oils.

There shall be imposed upon lubricating oils sold in the United States by the manufacturer or producer a tax at the rate of 4½ cents a gallon, to be paid by the manufacturer or producer. Every person liable for tax under this section shall register and file bond as provided in section 3412 (d). Under regulations prescribed by the Commissioner with the approval of the Secretary, no tax shall be imposed under this section upon lubricating oils sold to a manufacturer or producer of lubricating oils for resale by him, but for the purposes of this chapter such vendee shall be considered the manufacturer or producer of such lubricating oils. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 521 (a) (21), 55 Stat. 707.)

AMENDMENTS

1941—Act Sept. 20, 1941, cited to text, substituted "4½ cents" for "4 cents".

EFFECTIVE DATE

The rates specified in act Sept. 20, 1941, cited to text, were made effective on, and applicable only with respect to the period after the date of enactment of that act, by section 521 (b) thereof.

TEMPORARY INCREASE IN RATES

Defense tax for 5-year period after June 30, 1940, which increased certain tax rates, and termination thereof by act Sept. 20, 1941, see section 1650 (a) of this title and notes.

SUBCHAPTER C.—GENERAL ADMINISTRATIVE PROVISIONS

§ 3440. Definition of sale.

For the purposes of this chapter the lease of an article (including any renewal or any extension of a lease or any subsequent lease of such article) by the manufacturer, producer, or importer shall be considered a taxable sale of such article. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 553 (a), 55 Stat. 720.)

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made effective on Oct. 1, 1941, by section 553 thereof.

§ 3441. Sale price.

* * * * *

(c) (1) In the case of (A) a lease, (B) a contract for the sale of an article wherein it is provided that the price shall be paid by installments and title to the article sold does not pass until a future date notwithstanding partial payment by installments, or (C) a conditional sale, there shall be paid upon each payment with respect to the article that portion of the total tax which is proportionate to the portion of the total amount to be paid represented by such payment.

(2) In the application of paragraph (1) to the articles with respect to which the rate of tax is increased by the Revenue Act of 1941¹ or by the Revenue Act of 1940,² where the lease, contract of sale, or conditional sale, and delivery thereunder—

(A) was made before July 1, 1940, the total tax referred to in paragraph (1) shall be the tax at the rate in force on June 30, 1940, and not at any greater rate; or

(B) was made after June 30, 1940, and before October 1, 1941, the total tax referred to in paragraph (1) shall be the tax at the rate in force on September 30, 1941, and not at any greater rate.

(3) Despite the provisions of paragraph (1), no tax shall be imposed with respect to any article not taxable under the law in existence on the day before the date of the enactment of the Revenue Act of 1941,¹ if with respect to such article the lease, contract for sale, or conditional sale, and delivery thereunder, was made before October 1, 1941. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 549, 55 Stat. 715.)

* * * * *

¹ Revenue Act of 1941 is act Sept. 20, 1941, cited to text.

² Revenue Act of 1940 is act June 25, 1940, ch. 419, 54 Stat. 516.

AMENDMENTS

1941—Subsec. (c) was amended by act Sept. 20, 1941, cited to text.

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made effective on, and applicable only with respect to, the period beginning with Oct. 1, 1941, by section 550 (a) thereof.

§ 3442. Tax-free sales.

Under regulations prescribed by the Commissioner with the approval of the Secretary, no tax under this chapter shall be imposed with respect to the sale of any article—

(1) for use by the vendee as material in the manufacture or production of, or as a component part of, an article enumerated in this chapter;

(2) for resale by the vendee for such use by his vendee, if such article is in due course so resold;

(3) for the exclusive use of the United States, any State, Territory of the United States, or any political subdivision of the foregoing, or the District of Columbia.

For the purposes of this chapter the manufacturer or producer to whom an article is sold under paragraph (1) or resold under paragraph (2) shall be considered the manufacturer or producer of such article. The provisions of paragraphs (1) and (2) shall not apply with respect to tires, inner tubes, or automobile radios taxable under section 3404. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 553 (d), 55 Stat. 721.)

AMENDMENTS

1941—Act Sept. 20, 1941, cited to text, inserted matter relating to automobile radios taxable under section 3404

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made effective on Oct. 1, 1941, by section 558 thereof.

§ 3443. Credits and refunds.

(a) * * *

(1) to a manufacturer or producer, in the amount of any tax under this chapter which has been paid with respect to the sale of any article (other than a tire, inner tube, or automobile radio taxable under section 3404) purchased by him and used by him as material in the manufacture or production of, or as a component part of, an article with respect to which tax under this chapter has been paid, or which has been sold free of tax by virtue of section 3442, relating to tax-free sales.

(3) * * *

(A) * * *

* * *

(v) in the case of unexposed motion picture films, used or resold for use in the making of news reel motion picture films. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 553 (c), (d), 55 Stat. 721.)

* * *

AMENDMENTS

1941—Subsec. (a) (1) was amended and subsec. (a) (3) (A) (v) was added by act Sept. 20, 1941, § 553 (d), (c), respectively, cited to text.

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made effective on Oct. 1, 1941, by section 558 thereof.

§ 3444. Use by manufacturer, producer, or importer.

(a) If—

(1) any person manufactures, produces, or imports an article (other than a tire, inner tube, or

automobile radio taxable under section 3404) and uses it (otherwise than as material in the manufacture or production of, or as a component part of, another article to be manufactured or produced by him which will be taxable under this chapter or sold free of tax by virtue of section 3442, relating to tax-free sales); or

(2) any person manufactures, produces, or imports a tire, inner tube, or automobile radio taxable under section 3404 and sells it on or in connection with, or with the sale of, an article taxable under section 3403 (a) or (b), relating to the tax on automobiles, or uses it;

he shall be liable for tax under this chapter in the same manner as if such article was sold by him, and the tax (if based on the price for which the article is sold) shall be computed on the price at which such or similar articles are sold, in the ordinary course of trade, by manufacturers, producers, or importers thereof, as determined by the Commissioner. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 553 (d), 55 Stat. 721.)

* * *

AMENDMENTS

1941—Subsecs. (a) (1) and (a) (2) were amended by act Sept. 20, 1941, cited to text, which inserted matter relating to automobile radios taxable under section 3404.

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made effective on Oct. 1, 1941, by section 558 thereof.

§ 3452. Repealed. Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 501, 55 Stat. 706.

§ 3453. Existing contracts—(a) Tax payable by vendee.

If (1) any person has, prior to the effective date of Part V of Title V of the Revenue Act of 1941,¹ made a bona fide contract for the sale on or after such date, of any article with respect to the sale of which a tax is imposed by that Act or an existing rate of tax is increased by that Act, and (2) such contract does not permit the adding to the amount to be paid under such contract of the whole of such tax or increased rate of tax, then (unless the contract prohibits such addition) the vendee shall, in lieu of the vendor, pay so much of the tax as is not so permitted to be added to the contract price.

(b) Tax paid to vendor.

Taxes payable by the vendee shall be paid to the vendor at the time the sale is consummated, and shall be collected and paid to the United States by the vendor in the same manner as provided in section 3467. In case of failure or refusal by the vendee to pay such taxes to the vendor, the vendor shall report the facts to the Commissioner who shall cause collection of such taxes to be made from the vendee. (Added Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 553 (b), 55 Stat. 721.)

¹Sections 551–558 of act Sept. 20, 1941, cited to text. Effective on Oct. 1, 1941, by section 558 thereof.

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made effective on Oct. 1, 1941, by section 558 thereof.

Chapter 30.—TRANSPORTATION AND COMMUNICATION

SUBCHAPTER C.—TRANSPORTATION OF PERSONS (NEW)

Sec.

3469. Tax on transportation of persons, etc.

- (a) Transportation.
- (b) Exemption of certain trips.
- (c) Seats, berths, etc.
- (d) Returns and payment.
- (e) Extensions of time.
- (f) Exemptions.

SUBCHAPTER A.—TRANSPORTATION OF OIL BY PIPE LINE

§ 3460. Tax—(a) Computation and payment.

There shall be imposed upon all transportation of crude petroleum and liquid products thereof by pipe line—

(1) A tax equivalent to $4\frac{1}{2}$ per centum of the amount paid for such transportation, to be paid by the person furnishing such transportation.

(2) In case no charge for transportation is made, either by reason of ownership of the commodity transported or for any other reason, a tax equivalent to $4\frac{1}{2}$ per centum of the fair charge for such transportation, to be paid by the person furnishing such transportation.

(3) If (other than in the case of an arm's length transaction) the payment for transportation is less than the fair charge therefor, a tax equivalent to $4\frac{1}{2}$ per centum of such fair charge, to be paid by the person furnishing such transportation. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, §§ 502, 521 (a) (22), 55 Stat. 706, 707.)

TEMPORARY INCREASE IN RATES

Defense tax for 5-year period after June 30, 1940, which increased certain tax rates, and termination thereof by act Sept. 20, 1941, see section 1650 (a) of this title and notes.

AMENDMENTS

1941—Subsec. (a) was amended by act Sept. 20, 1941, §§ 502, 521 (a) (22), cited to text. Former struck out "originating before July 1, 1945" at end of opening paragraph, and latter substituted " $4\frac{1}{2}$ per centum" for "4 per centum."

EFFECTIVE DATE

The rates specified in act Sept. 20, 1941, cited to text, were made effective on, and applicable only with respect to the period after the date of enactment of that act, by section 521 (b) thereof.

SUBCHAPTER B.—TELEGRAPH, TELEPHONE, RADIO, AND CABLE FACILITIES

§ 3465. Imposition and rate of tax.

(a) There shall be imposed:

(1) (A) In the case of each telephone or radio telephone message or conversation which originates within the United States, for which the charge is more than 24 cents, a tax of 5 cents for each 50 cents, or fraction thereof, of the charge.

(B) In the case of each telegraph, cable, or radio dispatch or message which originates within the United States, a tax of 10 per centum of the amount of the charge.

Only one payment of a tax imposed by subparagraph (A) or (B) shall be required notwithstanding the

lines or stations of one or more persons are used in the transmission of such dispatch, message, or conversation.

(2) (A) A tax equivalent to 10 per centum of the amount paid for leased wire, teletypewriter, or talking circuit special service.

(B) A tax equivalent to 5 per centum of the amount paid for any wire and equipment service (including stock quotation and information services, burglar alarm or fire alarm service, and all other similar services, but not including service described in subparagraph (A)).

The tax shall apply under this paragraph whether or not the wires or services are within a local exchange area.

(3) A tax equivalent to 6 per centum of the amount paid by subscribers for local telephone service and for any other telephone service in respect of which a tax is not payable under paragraph (1) or (2). Amounts paid for the installation of instruments, wires, poles, switchboards, apparatus, and equipment shall not be considered amounts paid for service. Service paid for by inserting coins in coin-operated telephones shall not be subject to the tax imposed by this paragraph.

(b) This section shall not apply to the amount paid for so much of the service described in paragraph (2) of subsection (a) as is utilized in the conduct, by a common carrier or telephone or telegraph company or a radio broadcasting station or network, of its business as such. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 548, 55 Stat. 714.)

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made effective on, and applicable only with respect to the period beginning with, Oct. 1, 1941, by section 550 (a) thereof. However, section 550 (c) and (d) of that act provided as follows:

"(c) Despite the provisions of subsection (a), the amendment of section 3465 (a) (2) made by section 548 of this Act (relating to tax on leased-wire, etc., services) shall be applicable only to amounts paid on or after such effective date for services rendered, on or after October 1, 1941, and the provisions of such subsection before its amendment by section 548 shall be applicable with respect to the period before October 1, 1941.

"(d) Despite the provisions of subsection (a), section 3465 (a) (3) of the Internal Revenue Code (relating to tax on telephone bills), added to the Internal Revenue Code by section 548 of this Act, shall apply only to the amounts paid in pursuance of bills rendered, after October 5, 1941, for services for which no previous bill was rendered. Such section 3465 (a) (3) shall not apply to amounts paid for services otherwise taxable under section 3465 (a) (1) which were rendered before October 6, 1941; nor to amounts paid for services otherwise taxable under section 3465 (a) (2) which were rendered or paid for before October 6, 1941."

§ 3466. Exemption from tax.

(a) No tax shall be imposed under section 3465 upon any payment received for services or facilities furnished to the United States or to any State or Territory, or political subdivision thereof, or the District of Columbia.

(b) No tax shall be imposed under section 3465 (a) (1) and (2) upon any payment received from any person for services or facilities utilized in the collection of news for the public press, or a news ticker service furnishing a general news service simi-

lar to that of the public press, or radio broadcasting, or in the dissemination of news through the public press, or a news ticker service furnishing a general news service similar to that of the public press, or by means of radio broadcasting, if the charge for such services or facilities is billed in writing to such person. Section 3465 (a) (3) shall not be construed as imposing a tax on services and facilities described in section 3465 (a) (1) or (2) which are exempt from tax under this subsection.

(c) The right to exemption under this section shall be evidenced in such manner as the Commissioner with the approval of the Secretary may by regulation prescribe. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 548, 55 Stat. 714.)

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made effective on, and applicable only with respect to the period beginning with, Oct. 1, 1941, by section 550 (a) thereof.

SUBCHAPTER C.—TRANSPORTATION OF PERSONS (NEW).

Subchapter was added by act Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 554 (b), 55 Stat. 721, section 554 (a) of which act redesignated former subchapter C to be "D." Said act Sept. 20, 1941, was made effective on Oct. 1, 1941, by section 558 thereof.

§ 3469. Tax on transportation of persons, etc.—(a) Transportation.

There shall be imposed upon the amount paid within the United States, on or after October 10, 1941, for the transportation, on or after such effective date, of persons by rail, motor vehicle, water, or air, within or without the United States, a tax equal to 5 per centum of the amount so paid. Such tax shall apply to transportation by motor vehicles having a passenger seating capacity of less than ten adult passengers, including the driver, only when such vehicle is operated on an established line.

(b) Exemption of certain trips.

The tax imposed by subsection (a) shall not apply to amounts paid for transportation which do not exceed 35 cents, to amounts paid for commutation or season tickets for single trips of less than thirty miles, or to amounts paid for commutation tickets for one month or less.

(c) Seats, berths, etc.

There shall be imposed upon the amount paid within the United States for seating or sleeping accommodations in connection with transportation with respect to which a tax is imposed by subsection (a) a tax equivalent to 5 per centum of the amount so paid.

(d) Returns and payment.

The taxes imposed by this section shall be paid by the person making the payment subject to the tax. Each person receiving any payment specified in subsection (a) or (c) shall collect the amount of the tax imposed from the person making such payment, and shall, on or before the last day of each month, make a return, under oath, for the preceding month, and pay the taxes so collected to the collector in the district in which his principal place of business is located, or if he has no principal place of business

in the United States, to the collector at Baltimore, Maryland. Such returns shall contain such information and be made in such manner as the Commissioner with the approval of the Secretary may by regulations prescribe.

(e) Extensions of time.

The Commissioner may extend the time for making returns and paying the taxes collected, under such rules and regulations as he shall prescribe with the approval of the Secretary, but no such extension shall be for more than ninety days.

(f) Exemptions.

(1) Governmental exemption.

The tax imposed by this section shall not apply to the payment for transportation or facilities furnished to the United States, or to any State or Territory, or political subdivision thereof, or the District of Columbia.

(2) Exemption of members of military and naval service.

The tax imposed by this section shall not apply to the payment for transportation or facilities furnished under special tariffs providing for fares of not more than 1¼ cents per mile applicable to round trip tickets sold to personnel of the United States Army, Navy, Marine Corps, and Coast Guard traveling in uniform of the United States at their own expense when on official leave, furlough, or pass, including authorized cadets and midshipmen, issued on presentation of properly executed certificate. (Added Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 554 (b), 55 Stat. 721.)

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made effective on Oct. 1, 1941, by section 558 thereof.

CROSS REFERENCES

Stamp tax under chapter 11 of this title not to apply where taxable under this section, see note under said chapter 11, preceding section 1801.

SUBCHAPTER D.—ADMINISTRATIVE PROVISIONS

This subchapter, formerly subchapter C, was redesignated "D" by act Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 554 (a), 55 Stat. 721, which was made effective on Oct. 1, 1941, by section 558 thereof.

§ 3471. Refunds and credits.

(a) Credit or refund of any overpayment of tax imposed by subchapter B or subchapter C may be allowed to the person who collected the tax and paid it to the United States if such person establishes, to the satisfaction of the Commissioner, under such regulations as the Commissioner with the approval of the Secretary may prescribe, that he has repaid the amount of such tax to the person from whom he collected it, or obtained the consent of such person to the allowance of such credit or refund.

* * * * *

(c) Any person making a refund of any payment on which tax under subchapter B or subchapter C has been collected, may repay therewith the amount of tax collected on such payment, and the amount of tax so repaid may be credited against the tax under any subsequent return. (As amended Sept. 20, 1941,

12:15 p. m., E. S. T., ch. 412, title V, § 554 (d) (2), 55 Stat. 722.)

AMENDMENTS

1941—Subsecs. (a) and (c) were amended by act Sept. 20, 1941, cited to text, which inserted "or subchapter C" after "subchapter B" wherever occurring.

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made effective on Oct. 1, 1941, by section 558 thereof.

§ 3472. Regulations.

The Commissioner, with the approval of the Secretary, shall prescribe and publish all needful rules and regulations for the enforcement of this chapter. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 554 (d) (3), 55 Stat. 722.)

AMENDMENTS

1941—Act Sept. 20, 1941, cited to text, struck out "of subchapters A and B" preceding "of this chapter"

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made effective on Oct. 1, 1941, by section 558 thereof.

Chapter 31.—DOCUMENTS AND OTHER INSTRUMENTS

§ 2481. Transfer of bonds—(a) Imposition of tax.

On all sales, or agreements to sell, or memoranda of sales or deliveries of, or transfers of legal title to any of the instruments mentioned or described in section 1801 and of a kind the issue of which is taxable thereunder, whether made by any assignment in blank or by any delivery, or by any paper or agreement or memorandum or other evidence of transfer or sale (whether entitling the holder in any manner to the benefit of such instrument or not), on each \$100 of face value or fraction thereof, 5 cents: *Provided*, That it is not intended by this chapter to impose a tax upon an agreement evidencing a deposit of instruments as collateral security for money loaned thereon, which instruments are not actually sold, nor upon the delivery or transfer for such purpose of instruments so deposited: *Provided further*, That the tax shall not be imposed on deliveries or transfers of bonds in connection with a reorganization (as defined in section 112 of the Revenue Act of 1932, 47 Stat. 196) if any of the gain or loss from the exchange or distribution involved in the delivery or transfer is not recognized under the income tax law applicable to the year in which the delivery or transfer is made: *Provided further*, That the tax shall not be imposed upon deliveries or transfers to a broker for sale, nor upon deliveries or transfers by a broker to a customer for whom and upon whose order he has purchased same, but such deliveries or transfers shall be accompanied by a certificate setting forth the facts: *Provided further*, That the tax shall not be imposed upon deliveries or transfers from a fiduciary to a nominee of such fiduciary, or from one nominee of such fiduciary to another, if such instruments continue to be held by such nominee for the same purpose for which they would be held if retained by such fiduciary, or from the nominee to such fiduciary, but such deliveries or transfers shall be accompanied by a certificate setting forth the facts: *Provided fur-*

ther, That where the change of ownership is by transfer of the instrument the stamp shall be placed upon the instrument; and in cases of an agreement to sell or where the transfer is by delivery of the instrument assigned in blank there shall be made and delivered by the seller to the buyer a bill or memorandum of such sale, to which the stamp shall be affixed; and every bill or memorandum of sale or agreement to sell before mentioned shall show the date thereof, the name of the seller, the amount of the sale, and the matter or thing to which it refers. Any person liable to pay the tax as herein provided, or anyone who acts in the matter as agent or broker for such person, who makes any such sale, or who in pursuance of any such sale delivers any certificate or evidence of the sale of any such instrument, or bill or memorandum thereof, as herein required, without having the proper stamps affixed thereto, with intent to evade the foregoing provisions, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not exceeding \$1,000, or be imprisoned not more than six months, or both.

* * * * *

(b) Repealed. Sept. 20, 1941, 12:15 p. m. E. S. T., ch. 412, title V, § 504, 55 Stat. 706.

(As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, §§ 504, 521 (a) (23), 55 Stat. 706, 707.)

AMENDMENTS

1941—Subsec. (a) was amended by act Sept. 20, 1941, § 521 (a) (23), cited to text, which substituted "5 cents" for "4 cents" in first paragraph

Subsec. (b) was repealed by act Sept. 20, 1941, § 504, cited to text.

EFFECTIVE DATE

The rates specified in act Sept. 20, 1941, cited to text, were made effective on, and applicable only with respect to the period after the date of enactment of that act, by section 521 (b) thereof.

TEMPORARY INCREASE IN RATES

Defense tax for 5-year period after June 30, 1940, which increased certain tax rates, and termination thereof by act Sept. 20, 1941, see section 1650 (a) of this title and notes.

§ 3482. Conveyances.

Deed, instrument, or writing, (unless deposited in escrow before April 1, 1932), whereby any lands, tenements, or other realty sold shall be granted, assigned, transferred, or otherwise conveyed to, or vested in, the purchaser or purchasers, or any other person or persons, by his, her, or their direction, when the consideration or value of the interest or property conveyed, exclusive of the value of any lien or encumbrance remaining thereon at the time of sale, exceeds \$100 and does not exceed \$500, 55 cents; and for each additional \$500 or fractional part thereof, 55 cents. This section shall not apply to any instrument or writing given to secure a debt. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, §§ 505, 521 (a) (24), 55 Stat. 706, 707.)

AMENDMENTS

1941—Act Sept. 20, 1941, §§ 505, 521 (a) (24), cited to text, respectively struck out "delivered before July 1, 1945" preceding parenthesis, and substituted "55 cents" for "40 cents".

EFFECTIVE DATE

The rates specified in act Sept. 20, 1941, cited to text, were made effective on, and applicable only with respect to the period after the date of enactment of that act, by section 521 (b) thereof.

TEMPORARY INCREASE IN RATES

Defense tax for 5-year period after June 30, 1940, which increased certain tax rates, and termination thereof by act Sept. 20, 1941, see section 1650 (a) of this title and notes.

Chapter 32.—SUGAR

SUBCHAPTER C.—GENERAL PROVISIONS

§ 3508. Termination of taxes.

No tax shall be imposed under this chapter on the manufacture, use, or importation of sugar after June 30, 1945. (As amended Dec. 26, 1941, ch. 633, § 5, 55 Stat. 873.)

Chapter 33.—BITUMINOUS COAL

§ 3527. Termination of tax.

The taxes imposed by this chapter shall not apply to the sale or other disposal, after April 25, 1943, of bituminous coal. (As amended Apr. 11, 1941, ch. 64, § 1 (b), 55 Stat. 134.)

Chapter 33A.—USE OF MOTOR VEHICLES AND BOATS (NEW)

Sec.

3540. Tax on use of motor vehicles and boats.

- (a) Imposition of tax
- (b) Definitions
- (c) Proration of tax.
- (d) One payment per year.
- (e) Evidence of tax payment.
- (f) Manner of collection.
- (g) Cooperation of Post Office Department.
- (h) Sale of stamps by private persons.
- (i) Penalties for unlawful use.
- (j) Exempt uses.

Chapter was added by act Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 557, 55 Stat. 723, which was made effective on Oct. 1, 1941, by section 558 of that act.

§ 3540. Tax on use of motor vehicles and boats—(a) Imposition of tax.

There shall be imposed upon the use of motor vehicles and boats a tax, with respect to each year in which such use occurs, at the following rates:

(1) Motor vehicles—\$5.

(2) Boats.—

Over-all length 16 feet or over but not over 28 feet, \$5.

Over-all length over 28 feet but not over 50 feet, \$10.

Over-all length over 50 feet but not over 100 feet, \$40.

Over-all length over 100 feet but not over 150 feet, \$100.

Over-all length over 150 feet but not over 200 feet, \$150.

Over-all length over 200 feet, \$200.

Such tax, in the case of a motor vehicle, shall be paid by the person in whose name the motor vehicle is, or is required to be, registered under the law of the State, Territory, or the District of Columbia in which such motor vehicle is, or is required to be, registered. Such tax, in the case of a boat, shall be paid by the owner of the boat. The tax imposed by

this section shall not apply to any use before February 1, 1942, and use before such date shall not be considered to be use within the meaning of this section.

(b) Definitions.

For the purposes of this section—

(1) The term "year" means the year beginning July 1.

(2) The term "motor vehicle" means all motor vehicles of the kind chiefly used for highway transportation.

(3) The term "boat" means all boats propelled by machinery, sail, or both, measuring sixteen feet or more in over-all length, owned by a citizen or resident of the United States. Such term does not include boats used chiefly for trade, or commercial fishing, or boats used without profit by any benevolent, charitable, or religious organization exclusively for furnishing aid, comfort, or relief to seamen, or boats used by the sea scouts department of the Boy Scouts of America chiefly for training scouts in seamanship.

(4) The term "use" in the case of the use of a motor vehicle means use on the public highways.

(c) Proration of tax.

If in any year the first use of the motor vehicle or boat is after July 31 the tax shall be reckoned proportionately from the first day of the month in which such use occurs to and including the 30th day of June following.

(d) One payment per year.

If the tax imposed by this section is paid with respect to any motor vehicle or boat for any year no further tax shall be imposed for such year with respect to such motor vehicle or boat.

(e) Evidence of tax payment.

The payment of the tax imposed by this section shall be evidenced by such suitable stamp, sticker, or tag of such form, which shall be affixed to the motor vehicle or boat in such manner, as the Commissioner, with the approval of the Secretary, may by regulations prescribe.

(f) Manner of collection.

The place, time, and manner of making payment of the tax, and of furnishing such stamp, sticker, or tag shall be such as may be provided in regulations prescribed by the Commissioner with the approval of the Secretary.

(g) Cooperation of Post Office Department.

The Commissioner shall furnish to the Postmaster General without prepayment a suitable quantity of stamps, stickers, or tags to be distributed to and kept on sale by postmasters in the United States. The Postmaster General may require each such postmaster to give additional or increased bond as postmaster for the value of the stamps, stickers, or tags furnished to him, and each such postmaster shall deposit the receipts from the sale of such stamps, stickers, or tags to the credit of and render accounts to the Postmaster General at such times and in such form as he may by regulations prescribe. The Postmaster General shall at least once monthly transfer all collections from this source to the Treasury as

internal-revenue collections. The Postmaster General is authorized to cooperate to the fullest extent possible with the Commissioner in the sale of such stamps, stickers, or tags and in forwarding to the Commissioner or to the collector of internal revenue such blanks or forms as the Commissioner may determine necessary to the collection of the tax. There are authorized to be appropriated such sums as may be necessary to enable the Secretary of the Treasury to advance from time to time to the Postmaster General such sums as the Postmaster General may show shall be required for the expenses of the Post Office Department in performing in the District of Columbia and elsewhere all services required by this section.

(h) Sale of stamps by private persons.

If the Commissioner provides for the sale of stamps, stickers, or tags by persons not officers or employees of the United States he may require bond, with sufficient sureties, in a sum to be fixed by the Commissioner, conditioned for the faithful return, whenever required, of all quantities or amounts undisposed of, and for the payment for, all quantities or amounts sold or not remaining on hand. The Commissioner, with the approval of the Secretary, may from time to time make such regulations as he may find necessary to insure the safekeeping or

prevention of illegal use of all such stamps, stickers, or tags.

(i) Penalties for unlawful use.

Any person liable for the tax under this section who uses or permits the use of the motor vehicle or boat before tax has been paid shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$25 or imprisoned for not more than thirty days, or both. Any person who uses or operates a motor vehicle or boat at a time when the stamp, sticker, or tag does not appear on the motor vehicle or boat in the manner provided in the regulations prescribed under subsection (e) or (f) shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$25.

(j) Exempt uses.

The tax imposed by this section shall not apply to the use of a motor vehicle or boat by the United States, a State, Territory, the District of Columbia, or a political subdivision of any of the foregoing. (Added Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 557, 55 Stat. 723.)

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made effective on Oct. 1, 1941, by section 558 thereof.

SUBTITLE D.—GENERAL ADMINISTRATIVE PROVISIONS

INVESTIGATION OF NONESSENTIAL FEDERAL EXPENDITURES

Act Sept. 20, 1941, 12.15 p. m., E. S. T., ch. 412, title VI, § 601, 55 Stat. 726, provided as follows:

"(a) There is hereby established a committee to investigate Federal expenditures (hereinafter referred to as the 'committee'), to be composed of (1) three members of the Senate Committee on Finance and three members of the Senate Committee on Appropriations, to be appointed by the President of the Senate; (2) three members of the House Committee on Ways and Means and three members of the House Committee on Appropriations, to be appointed by the Speaker of the House of Representatives; and (3) the Secretary of the Treasury, and the Director of the Bureau of the Budget. A vacancy in the committee shall not affect the power of the remaining members to execute the functions of the committee, and shall be filled in the same manner as the original selection. A majority of the committee shall constitute a quorum, and the powers conferred upon them by this section may be exercised by a majority vote.

"(b) It shall be the duty of the committee to make a full and complete study and investigation of all expenditures of the Federal Government with a view to recommending the elimination or reduction of all such expenditures deemed by the committee to be nonessential. The committee shall report to the President and to the Congress the results of its study, together with its recommendations, at the earliest practicable date.

"(c) The committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places, to employ such experts and such clerical and other assistants, to require by subpoena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures, as it deems advisable. The provisions of sections 102 to 104, inclusive, of the Revised Statutes (Title 2, §§ 192, 193, 194) shall apply in case of any failure of any witness to comply with any subpoena, or to testify when summoned under the authority of this section.

"(d) The committee is authorized to utilize the services, information, facilities, and personnel of the departments and agencies of the Government.

"(e) There is hereby authorized to be appropriated, the sum of \$10,000, or so much thereof as may be necessary, to carry out the provisions of this section.

"(f) All authority conferred by this section shall terminate upon the submission of the committee's final report."

Chapter 37.—ABATEMENTS, CREDITS, AND REFUNDS

§ 3772. Suits for refund.

DERIVATION

R. S. § 3226, as amended by acts Feb. 27, 1877, ch. 69, § 1, 19 Stat. 248; Nov. 23, 1921, ch. 136, § 1318, 42 Stat. 314 (repealed June 2, 1924, ch. 234, § 1100, 43 Stat. 352); Mar. 4, 1923, ch. 276, § 2, 42 Stat. 1505; June 2, 1924, ch. 234, § 1014 (a), 43 Stat. 343 (repealed Feb. 26, 1926, ch. 27, § 1200, 44 Stat. 125); Feb. 26, 1926, ch. 27, § 1113 (a), 44

Stat. 116; June 6, 1932, ch. 209, § 1103 (a), 47 Stat. 286; June 22, 1933, ch. 690, § 807, 49 Stat. 1745. Said R. S. § 3226 was revised from acts July 13, 1866, ch. 184, § 19, 14 Stat. 152; June 6, 1872, ch. 315, § 44, 17 Stat. 257.

Chapter 38.—MISCELLANEOUS PROVISIONS

Sec.

3802. Exemption of consular officers and employees of foreign states from payment of internal revenue taxes on imported articles (New).

(a) Rule of exemption.

(b) Certificate by Secretary of State.

§ 3802. Exemption of consular officers and employees of foreign states from payment of internal revenue taxes on imported articles—(a) Rule of exemption.

No internal-revenue tax shall be imposed with respect to articles imported by a consular officer of a foreign state or by an employee of a consulate of a foreign state whether such articles accompany the officer or employee to his post in the United States, its insular possessions, or the Panama Canal Zone, or are imported by him at any time during the exercise of his functions therein, if—

(1) such officer or employee is a national of the state appointing him and not engaged in any profession, business, or trade within the territory specified in subsection (a);

(2) the articles are imported by the officer or employee for his personal or official use; and

(3) the foreign state grants an equivalent exemption to corresponding officers or employees of the Government of the United States stationed in such foreign state.

(b) Certificate by Secretary of State.

The Secretary of State shall certify to the Secretary of the Treasury the names of the foreign states which grant an equivalent exemption to the consular officers or employees of the Government of the United States stationed in such foreign states. (Added May 9, 1941, ch. 96, 55 Stat. 184.)

RENUMBER

Former section 3802 was renumbered "3803" by act May 9, 1941, cited to text.

§ 3803. Separability clause.

If any provision of this title, or the application thereof to any person or circumstances, is held invalid, the remainder of the title, and the application of such provisions to other persons or circumstances, shall not be affected thereby. (Formerly § 3802, 53 Stat. 173; renumbered § 3803 May 9, 1941, ch. 96, 55 Stat. 184.)

TITLE 28.—JUDICIAL CODE AND JUDICIARY

PART I.—JUDICIAL CODE

Chapter 1.—DISTRICT COURTS; ORGANIZATION

§ 1. (Judicial code, section 1.) District Courts; judges; appointments and residence.

In each of the districts described in chapter five of this title there shall be a court called a district court, for which there shall be appointed one judge, to be called a district judge, except that in the District of Arizona, the District of Connecticut, the Southern District of Illinois, the Eastern District of Illinois, the Eastern District of Louisiana, the Western District of Louisiana, the District of Maryland, the Eastern District of Missouri, the Western District of Missouri, the District of Montana, the District of Nebraska, the Northern District of New York, the Western District of New York, the District of Oregon, the Middle District of Pennsylvania, the Eastern District of Tennessee, the Southern District of Texas, the Western District of Texas, the Eastern District of Virginia, the Western District of Virginia, and the Western District of Washington there shall be an additional district judge in each; in the Southern District of Florida, the Northern District of Ohio, the Southern District of Ohio, the Western District of Pennsylvania and the Northern District of Texas, there shall be two additional judges in each; in the Northern District of California, the District of Massachusetts, the District of Minnesota, the District of New Jersey, and the Eastern District of Pennsylvania, there shall be three additional judges in each; in the Eastern District of Michigan there shall be four additional judges; in the Northern District of Illinois and the Eastern District of New York there shall be five additional judges in each; in the Southern District of California there shall be seven additional judges; and in the Southern District of New York there shall be eleven additional judges. In addition to those enumerated there shall be one district judge for the Eastern and Western Districts of Arkansas, one district judge for the Eastern and Western Districts of Kentucky, one district judge for the Eastern and Western Districts of Missouri, one district judge for the Northern, Eastern and Western Districts of Oklahoma, one district judge for the Eastern and Western Districts of South Carolina, and one district judge for the Eastern and Western Districts of Washington. (As amended Nov. 21, 1941, ch. 479, 55 Stat. 773.)

* * * * *

AMENDATORY AND SUPPLEMENTARY ACTS

MASSACHUSETTS

One additional judge for the District of Massachusetts, authorized as temporary by act May 31, 1938, ch. 290, § 4, 52 Stat. 585, was made permanent by act Nov. 21, 1941, cited to text, which repealed the proviso thereof prohibiting the filling of the first vacancy among the judges of said District in office on May 31, 1938.

TEMPORARY JUDGESHIPS

MASSACHUSETTS

Act May 31, 1938, ch. 290, § 4, 52 Stat. 585, authorizing the appointment of one additional judge for the District of Massachusetts, has been affected by act Nov. 21, 1941, cited to text, which repealed the proviso thereof prohibiting the filling of the first vacancy among the judges of said District in office on May 31, 1938. Said repeal has been treated as making the additional judgeship permanent, and the text of this section has been changed accordingly.

OHIO

Act May 1, 1941, ch. 83, 55 Stat. 148, provided "That the President of the United States be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, one additional United States district judge for the northern district of Ohio. *Provided*, That the first vacancy occurring in the office of district judge in said district shall not be filled."

§ 5b. Law clerks for district judges; number.

Not to exceed three law clerks to district judges shall be appointed in any one circuit. (As amended June 28, 1941, ch. 258, title IV, 55 Stat. 301.)

AMENDMENT

1941—Act June 28, 1941, cited to text, increased the number of law clerks from two to three.

Chapter 5.—DISTRICT COURTS; DISTRICTS AND PROVISIONS APPLICABLE TO PARTICULAR STATES

§ 189. (Judicial Code, section 108.) Texas.

TERM OF COURT FOR SOUTHERN DISTRICT, CORPUS CHRISTI DIVISION

By order of the judge of the District Court of the United States for the Southern District of Texas, signed May 29, 1941, the times for holding said Court in the Corpus Christi Division were set out as follows: "One term beginning on the third Monday in March of each and every year hereafter, and one term beginning the third Monday in October of this and each and every year thereafter."

Chapter 7.—THE COURT OF CLAIMS

§ 270. Salary of commissioners; traveling and other expenses of chief justice, judges, commissioners, stenographers, and retired judges recalled to active duty.

Each of the said commissioners shall devote all of his time to the duties of his office and shall receive a salary of \$7,500 per annum, payable monthly out of the Treasury. The chief justice, and any judge of the court, the commissioners, and stenographers authorized by the court, shall also receive their necessary traveling expenses and their actual expenses incurred for subsistence while traveling on duty and away from Washington in an amount not to exceed \$10 per day in the case of the chief justice or any judge of the court, \$7 per day in the case of commissioners, and \$5 per day in the case of stenographers. Retired judges recalled to active duty in Washington or elsewhere shall be entitled to receive the same travel and subsistence expenses as provided for other judges in this section and sections 269 and

275a of this title while absent from their actual places of residence. The expenses of travel and subsistence herein authorized shall be paid upon order of the court. (As amended Oct. 16, 1941, ch. 443, 55 Stat. 741.)

AMENDMENTS

1941—Act Oct. 16, 1941, cited to text, provided that this section was "reenacted and amended to read as follows."

§ 275a. Taking of evidence at any place within United States.

The chief justice, or any judge of the Court of Claims, may sit at any place within the United States to take evidence in any case instituted in said court. (As amended Oct. 16, 1941, ch. 443, 55 Stat. 741.)

AMENDMENTS

1941—Act Oct. 16, 1941, cited to text, provided that this section was "reenacted and amended to read as follows."

Chapter 10.—PROVISIONS COMMON TO MORE THAN ONE COURT

§ 374b. Salaries of secretaries or law clerks of district judges.

The compensation of secretaries and law clerks of district judges shall be fixed by the Director of the Administrative Office of the United States Courts without regard to the Classification Act of 1923, as amended, except that the salaries of secretaries shall not exceed that of the senior clerical grade and the salaries of law clerks shall not exceed that of the principal subprofessional grade. (As amended June 28, 1941, ch. 258, title IV, 55 Stat. 301.)

PART II.—THE JUDICIARY

Chapter 15.—DISTRICT ATTORNEYS, MARSHALS, CLERKS, AND OTHER COURT OFFICERS, AND COMMISSIONERS

§ 524. Residence of district attorneys, marshals, and clerks.

The Attorney General is authorized to fix and declare the place of the official residence of the district attorney and of each of his assistants: *Provided*, That the said assistants must be residents of the district for which they are appointed, except that in the District of Columbia said assistants may reside within twenty miles of their district. The marshal's official residence shall be deemed to be at one of the places of holding court in the district, and the Attorney General shall be authorized to fix and declare the place of such official residence. Every clerk of the circuit or district court of the United States, the United States marshal, or United States district attorney, shall reside permanently in the district where his official duties are to be performed and shall give his personal attention thereto; and in case any such officer shall remove from his district, or shall fail to give personal attention to the duties of his office, except in case of sickness, such office shall be deemed vacant: *Provided*, That in the southern district of New York and in the District of Columbia said officers may reside within twenty miles of their districts. (As amended June 14, 1941, ch. 203, § 1, 2, 55 Stat. 251.)

AMENDMENTS

1941—First sentence was amended by act June 14, 1941, § 2, cited to text.

Last sentence was amended by act June 14, 1941, § 1, cited to text.

§ 530. Law books for judges transmitted to successors.

REPEATED.—Act June 28, 1941, ch. 258, title IV, 55 Stat. 301.

Chapter 16.—FEES, COMPENSATION, AND ACCOUNTS OF OFFICERS

SALARIES, EXPENSES, AND ACCOUNTS OF DISTRICT ATTORNEYS AND MARSHALS

§ 577. Accounts of fees or costs not reexamined.

No accounts of fees or costs paid to any witness or juror, upon the order of any judge or commissioner, or to any witness upon the certificate of attendance of the United States attorney or assistant United States attorney, or to any juror upon the certificate of attendance of the clerk of the court, shall be so reexamined as to charge any marshal for an erroneous taxation of such fees or costs. Where the ministerial officers of the United States have incurred or shall incur extraordinary expense in executing the laws thereof, the payment of which is not specifically provided for, the President of the United States is authorized to allow the payment thereof under the special taxation of the district court of the district in which the said services have been or shall be rendered, to be paid from the appropriation for defraying the expenses of the judiciary. (As amended Oct. 13, 1941, ch. 431, § 1, 55 Stat. 736.)

AMENDMENTS

1941—Act Oct. 13, 1941, cited to text, amended section by inserting provisions with respect to payments upon certificate of attendance.

§ 584a. Same; substitute transportation allowance.

The United States marshals and their deputies may be allowed, in lieu of actual expenses of transportation, not to exceed 3 cents per mile for the use of privately owned automobiles for transportation when traveling on official business within the limits of their official station. (As amended June 28, 1941, ch. 258, title III, 55 Stat. 295.)

COMBINATION OF CRIERS AND BAILIFFS

§ 596. Per diem of bailiffs.

REPEATED.—Act June 28, 1941, ch. 258, title III, 55 Stat. 295.

FEES, HOW PAID AND RECOVERED

§ 608. Jurors and witnesses; paid by marshal.

The marshal shall pay to the jurors all fees to which they appear to be entitled on the certificate of attendance of the clerk of the court, and, in cases where the United States is a party, the marshal shall pay to the witnesses all fees to which they appear to be entitled on the certificate of attendance of the United States attorney or assistant United States attorney, which sum shall be allowed the marshal in the General Accounting Office in his accounts. (As amended Oct. 13, 1941, ch. 431, § 2, 55 Stat. 736.)

AMENDMENTS

1941—Act Oct. 13, 1941, cited to text, amended section by inserting provisions with respect to payments upon certificate of attendance.

TITLE 29.—LABOR

Chapter 8.—FAIR LABOR STANDARDS

§ 207. Maximum hours.

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(b) * * * * *

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(2) on an annual basis in pursuance of an agreement with his employer, made as a result of collective bargaining by representatives of employees cer-

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tified as bona fide by the National Labor Relations Board, which provides that the employee shall not be employed more than two thousand and eighty hours during any period of fifty-two consecutive weeks, or (As amended Oct. 29, 1941, ch. 461, 55 Stat. 756.)

* * * * *

AMENDMENTS

1941—Subsec. (b) (2) was amended by act Oct. 29, 1941, cited to text.

TITLE 30.—MINERAL LANDS AND MINING

Chapter 1.—THE BUREAU OF MINES

- Sec
4f. Investigations of coal mines to obtain information relating to health and safety conditions (New).
4g. Same; time of investigations (New).
4h. Same; admission of investigators to mines (New).
4i. Same; penalty for mine's refusal to admit investigator (New).
4j. Same; information by mine concerning accidents (New).
4k. Same; reports to Congress of information obtained; other reports, publications, etc.; availability to public; expenditure of funds in advancement of health or safety.
4l. Same; agency charged with execution of sections 4f-4o; cooperation with states (New).
4m. Same; creation of advisory committee, membership; function (New).
4n. Same; appointment, compensation, and qualifications of officers and employees (New).
4o. Same; "commerce" defined (New).

§ 4f. Investigations of coal mines to obtain information relating to health and safety conditions.

The Secretary of the Interior, acting through the United States Bureau of Mines, is hereby authorized and empowered to make or cause to be made annual or necessary inspections and investigations in coal mines the products of which regularly enter commerce or the operations of which substantially affect commerce—

(a) For the purpose of obtaining information relating to health and safety conditions in such mines, the causes of accidents involving bodily injury or loss of life in such mines, or the causes of occupational diseases originating in such mines, whenever such health or safety conditions, accidents, or occupational diseases burden or obstruct commerce or threaten to burden or obstruct commerce.

(b) For the purpose of obtaining information relating to health and safety conditions in such mines, the causes of accidents involving bodily injury or loss of life in such mines, or the causes of occupational diseases originating in such mines, as a basis for determining the most effective manner in which the public funds made available for the protection or advancement of health or safety in coal mines, and for the prevention or relief of accidents or occupational diseases therein may be expended for the accomplishment of such objects.

(c) For the purpose of obtaining information relating to health and safety conditions in such mines, the causes of accidents involving bodily injury or loss of life in such mines, or the causes of occupational diseases, originating in such mines, as a basis for the preparation and dissemination of reports, studies, statistics, and other educational materials pertaining to the protection or advancement of health or safety in coal mines and to the prevention or relief of accidents or occupational diseases in coal mines.

(d) For the purpose of obtaining information relating to accidents involving bodily injury or loss of life in such mines or relating to occupational diseases originating in such mines, to be transmitted to the Bureau of the Census for use in connection with the preparation and compilation of the various Census reports.

(e) For the purpose of obtaining information relating to health and safety conditions in such mines, the causes of accidents involving bodily injury or loss of life in such mines, or the causes of occupational diseases originating in such mines, to be transmitted to the Congress for its consideration in connection with legislative matters involving health and safety conditions, accidents, or occupational diseases in coal mines. (May 7, 1941, ch. 87, § 1, 55 Stat. 177.)

APPROPRIATIONS; SEPARABILITY OF PROVISIONS

Sections 10 and 12 of act May 7, 1941, cited to text of sections 4f-4o of this title provided as follows:

"Sec. 10. There are hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary for the due execution of this Act."

"Sec. 12. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances, shall not be affected thereby."

§ 4g. Same; time of investigations.

The Secretary of the Interior, acting through the United States Bureau of Mines, is further authorized and empowered to make or cause to be made the inspections and investigations provided for in section 4f of this title at other than annual intervals at any time in his discretion when the making of such inspections or investigations in the mine concerned will be in furtherance of the purposes of sections 4f-4o of this title. (May 7, 1941, ch. 87, § 2, 55 Stat. 178.)

CROSS REFERENCES

Appropriations for and separability of provisions of act May 7, 1941, cited to text, see note under section 4f of this title.

§ 4h. Same; admission of investigators to mines.

The Secretary of the Interior acting through the United States Bureau of Mines, or any duly authorized representative of such Bureau, shall be entitled to admission to any coal mine the products of which regularly enter commerce or the operations of which substantially affect commerce, for the purpose of making any inspection or investigation authorized under section 4f or section 4g of this title. (May 7, 1941, ch. 87, § 3, 55 Stat. 178.)

CROSS REFERENCES

Appropriations for and separability of provisions of act May 7, 1941, cited to text, see note under section 4f of this title.

§ 4i. Same; penalty for mine's refusal to admit investigator.

Any owner, lessee, agent, manager, superintendent, or other person having control or supervision of any coal mine subject to the provisions of section 4f or section 4g of this title who refuses to admit the Secretary of the Interior, acting through the United States Bureau of Mines, or any duly authorized representative of such Bureau, to such mine, pursuant to the provisions of section 4h of this title, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding \$500 or by imprisonment not exceeding sixty days, or by both. (May 7, 1941, ch. 87, § 4, 55 Stat. 178.)

CROSS REFERENCES

Appropriations for and separability of provisions of act May 7, 1941, cited to text, see note under section 4f of this title.

§ 4j. Same; information by mine concerning accidents.

Every owner, lessee, agent, manager, superintendent, or other person having control or supervision of any coal mine the products of which regularly enter commerce or the operations of which substantially affect commerce shall furnish to the Secretary of the Interior, acting through the United States Bureau of Mines, or to any duly authorized representative of such Bureau, upon request, complete and correct information to the best of his knowledge concerning any or all accidents involving bodily injury or loss of life which occurred in such mine during the calendar year in which the request is made or during the preceding calendar year. (May 7, 1941, ch. 87, § 5, 55 Stat. 178.)

CROSS REFERENCES

Appropriations for and separability of provisions of act May 7, 1941, cited to text, see note under section 4f of this title.

§ 4k. Same; reports to Congress of information obtained; other reports, publications, etc.; availability to public; expenditure of funds in advancement of health or safety.

The Secretary of the Interior, acting through the United States Bureau of Mines, is hereby authorized and directed—

(a) To report annually to the Congress, either in summary or detailed form, the information obtained by him under sections 4f-4o of this title, together with such findings and comments thereon and such recommendations for legislative action as he may deem proper;

(b) To compile, analyze, and publish, either in summary or detailed form, the information obtained by him under sections 4f-4o of this title, together with such findings concerning the causes of unhealthy or unsafe conditions, accidents, or occupational diseases in coal mines, and such recommendations for the prevention or amelioration of unhealthy or unsafe conditions, accidents, or occupational diseases in coal mines as he may deem proper;

(c) To prepare and disseminate reports, studies, statistics, and other educational materials pertaining to the protection or advancement of health or safety in coal mines and to the prevention or relief of accidents or occupational diseases in coal mines;

(d) To expend the funds made available to him for the protection or advancement of health or safety in coal mines, and for the prevention or relief of accidents or occupational diseases therein, in such lawful manner as he may deem most effective in the light of the information obtained under sections 4f-4o of this title to promote the accomplishment of the objects for which such funds are granted;

(e) To transmit to the Director of the Census, either in summary or detailed form, the information obtained by him under sections 4f-4o of this title, for use in connection with the preparation and compilation of the various Census reports; and

(f) To make available for public inspection, either in summary or detailed form, the information obtained under sections 4f-4o of this title, as soon as practicable after the acquisition of such information. (May 7, 1941, ch. 87, § 6, 55 Stat. 178.)

CROSS REFERENCES

Appropriations for and separability of provisions of act May 7, 1941, cited to text, see note under section 4f of this title.

§ 4L. Same; agency charged with execution of sections 4f-4o; cooperation with states.

The execution of the provisions of sections 4f-4o of this title shall devolve upon the United States Bureau of Mines and the Secretary of the Interior may designate other bureaus or offices in the Department of the Interior to cooperate with the United States Bureau of Mines for such purpose. In order to promote sound and effective coordination of Federal and local activities within the field covered by sections 4f-4o of this title, the Secretary of the Interior, and the several bureaus and offices under his jurisdiction, shall cooperate with the official mine inspection or safety agencies of the several States and Territories, and, with the consent of the proper authorities thereof, may utilize the services of such agencies in connection with the administration of sections 4f-4o of this title. Copies of all findings, recommendations, reports, studies, statistics and information made public under the authority of clauses (b), (c), and (f) of section 4k of this title shall, whenever practicable, be furnished any cooperating State or Territorial agency which may request the same. (May 7, 1941, ch. 87, § 7, 55 Stat. 179.)

CROSS REFERENCES

Appropriations for and separability of provisions of act May 7, 1941, cited to text, see note under section 4f of this title.

§ 4m. Same; creation of advisory committee; membership; functions.

The Secretary of the Interior, acting through the United States Bureau of Mines, may, in his discretion, create and establish an advisory committee composed of not more than six members to exercise consultative functions, when required by the Secretary, in connection with the administration of sections 4f-4o of this title. The said committee shall be composed of representatives of coal-mine owners and of representatives of coal-mine workers in equal number. The members of said committee shall be appointed by the Secretary of the Interior without regard to the civil-service laws. (May 7, 1941, ch. 87, § 8, 55 Stat. 179.)

CROSS REFERENCES

Appropriations for and separability of provisions of act May 7, 1941, cited to text, see note under section 4f of this title.

§ 4n. Same; appointment, compensation, and qualifications of officers and employees.

The Secretary of the Interior, acting through the United States Bureau of Mines, shall have authority to appoint, subject to the civil-service laws, such officers and employees as he may deem requisite for the administration of sections 4f-4o of this title; to fix, subject to sections 661-673 and 674 of Title 5, the compensation of officers and employees so appointed; and to prescribe the powers, duties, and responsibilities of all officers and employees engaged in the administration of sections 4f-4o of this title: *Provided, however,* That in the selection of persons for appointment as coal-mine inspectors no person shall be so selected unless he has the basic qualification of at least five years' practical experience in the mining of coal, and is recognized by the United States Bureau of Mines as having the training or experience of a practical mining engineer in those essentials necessary for competent coal-mine inspection; and in detailing coal-mine inspectors to the inspection and investigation of individual mines, due

consideration shall be given to their previous practical experience in the work of mining coal in the State, district, or region where such inspections are to be made. (May 7, 1941, ch. 87, § 9, 55 Stat. 179.)

CROSS REFERENCES

Appropriations for and separability of provisions of act May 7, 1941, cited to text, see note under section 4f of this title.

§ 4o. Same; "commerce" defined.

For the purposes of sections 4f-4o of this title, the term "commerce" means trade, traffic, commerce, transportation, or communications between any State, Territory, possession, or the District of Columbia and any other State, Territory, or possession, of the United States, or between any State, Territory, possession, or the District of Columbia and any foreign country, or wholly within any Territory, possession, or the District of Columbia, or between points in the same State if passing through any other State or through any Territory, possession, or the District of Columbia or through any foreign country. (May 7, 1941, ch. 87, § 11, 55 Stat. 179.)

CROSS REFERENCES

Appropriations for and separability of provisions of act May 7, 1941, cited to text, see note under section 4f of this title.

TITLE 31.—MONEY AND FINANCE

Chapter 1.—THE NATIONAL BUDGET AND AUDIT SYSTEM

THE BUDGET

§ 18. Detailed study of departments and establishments by bureau.

CROSS REFERENCES

Investigation of nonessential Federal expenditures, see note under Subtitle D, preceding section 3600 of Title 26, Internal Revenue Code.

GENERAL ACCOUNTING OFFICE

§ 41. Creation; control and direction of; certain offices abolished; officers, employees, books, papers, etc., transferred to General Accounting Office; seal thereof.

CROSS REFERENCES

Coordination of executive bureaus, offices, etc., in interest of national defense and for successful prosecution of war as inapplicable to General Accounting Office, see section 601 of Appendix to Title 50, War.

§ 42. Comptroller General and Assistant Comptroller General.

TEMPORARY INCREASE IN COMPTROLLER GENERAL'S SALARY

Act Apr. 5, 1941, ch. 40, § 1, 55 Stat. 112, contained the following proviso: "That the salary of the Comptroller General shall be at the rate of \$12,000 per annum effective on the date of enactment of this Act, so long as the position is held by the present incumbent."

Chapter 2.—AUDIT AND SETTLEMENT OF ACCOUNTS

Sec.

80a. Same; extension of time during war or emergency (New).

80b. Administrative examination of accounts of United States Marine Corps expenditures (New).

82b. Disbursing officers of executive branch of the Government; examination of vouchers (New).

82c. Certifying officers; bond; accountability; relief by Comptroller General (New).

82d. Same; enforcement of liability (New).

82e. Disbursing officers excepted from sections 82b-82e of this title (New).

§ 80a. Same; extension of time during war or emergency.

The time for examination of monthly accounts covering expenditures by disbursing officers of the Army after the date of actual receipt by bureaus and offices of the War Department and before transmitting the same to the General Accounting Office, as limited by section 267 of Title 5 and sections 44, 45, 78, 80, and 496 of this title, and notwithstanding the provisions of section 80 of this title, is hereby extended, in time of war or during any emergency declared by Congress or determined by the President and for a period of eighteen months after such war

REFERENCES IN TEXT

Words "as limited by section 267 of Title 5 and sections 44, 45, 78, 80, and 496 of this title, and notwithstanding the provisions of section 80 of this title" originally read "as limited by section 12 of the Act of July 31, 1894 (28 Stat. 209), as amended by section 4 of the Act of March 2, 1895 (28 Stat. 807), by the Act of March 2, 1901 (31 Stat. 910), and by the Act of June 10, 1921 (42 Stat. 24), and notwithstanding the provisions of the Act of July 9, 1918 (40 Stat. 892)". For complete distribution of the various acts referred to, see Tables.

§ 80b. Administrative examination of accounts of United States Marine Corps expenditures.

The time for examination of monthly accounts covering expenditures by disbursing officers of the United States Marine Corps after the date of actual receipt at headquarters, United States Marine Corps and before transmitting the same to the General Accounting Office, as limited by sections 78 and 496 of this title and section 267 of Title 5, is hereby extended from twenty to sixty days. In time of war or national emergency and for a period of eighteen months after such war or emergency shall have ceased to exist, the time for examination of such monthly accounts is hereby extended from sixty to ninety days. (Dec. 26, 1941, ch. 629, 55 Stat. 862.)

§ 82. Administrative examination of accounts.

CROSS REFERENCES

Certifying officers, bond, liability for improper payment and relief by Comptroller General, see section 82c of this title.

Disbursements by officers of executive branch of Government, see section 82b of this title.

Enforcement of liability, see section 82d of this title.

§ 82b. Disbursing officers of executive branch of the Government; examination of vouchers.

Notwithstanding the provisions of section 82 of this title, and section 4 of Executive Order Numbered 6166, dated June 10, 1933, disbursing officers under the executive branch of the Government shall (1) disburse moneys only upon, and in strict accordance with, vouchers duly certified by the head of the department, establishment, or agency concerned, or by an officer or employee thereof duly authorized in writing by such head to certify such vouchers; (2) make such examination of vouchers as may be necessary to ascertain whether they are in proper form duly certified and approved, and correctly computed on the basis of the facts certified; and (3) be held accountable accordingly. (Dec. 29, 1941, ch. 641 § 1, 55 Stat. 875.)

REFERENCES IN TEXT

Section 4 of Executive Order Numbered 6166, dated June 10, 1933, cited in text, is set out as note following section

EFFECTIVE DATE

Section 5 of act Dec. 29, 1941, cited to text, provided: "This Act (sections 82b-82e of this title) shall become effective on the first day of the fourth month following the date of its enactment."

§ 82c. Certifying officers; bond; accountability; relief by Comptroller General.

The officer or employee certifying a voucher shall (1) be held responsible for the existence and correctness of the facts recited in the certificate or otherwise stated on the voucher or its supporting papers and for the legality of the proposed payment under the appropriation or fund involved; (2) be required to give bond to the United States, with good and sufficient surety approved by the Secretary of the Treasury, in such amount as may be determined by the head of the department, agency, or establishment concerned, pursuant to standards prescribed by the Secretary of the Treasury, and under such conditions as may be prescribed by the Secretary of the Treasury; and (3) be held accountable for and required to make good to the United States the amount of any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate made by him, as well as for any payment prohibited by law or which did not represent a legal obligation under the appropriation or fund involved: *Provided*, That the Comptroller General may, in his discretion, relieve such certifying officer or employee of liability for any payment otherwise proper whenever he finds (1) that the certification was based on official records and that such certifying officer or employee did not know, and by reasonable diligence and inquiry could not have ascertained, the actual facts, or (2) that the obligation was incurred in good faith, that the payment was not contrary to any statutory provision specifically prohibiting payments of the character involved, and that the United States has received value for such payment: *Provided further*, That the Comptroller General shall relieve such certifying officer or employee of liability for an overpayment for transportation services made to any common carrier covered by section 67 of Title 49 whenever he finds that the overpayment occurred solely because the administrative examination made prior to payment of the transportation bill did not include a verification of transportation rates, freight classifications, or land-grant deductions. (Dec. 29, 1941, ch. 641, § 2, 55 Stat. 875.)

EFFECTIVE DATE

Effective date of act Dec. 29, 1941, cited to text, see note under section 82b of this title.

§ 82d. Same; enforcement of liability.

The liability of certifying officers or employees shall be enforced in the same manner and to the same extent as now provided by law with respect to enforcement of the liability of disbursing and other accountable officers; and they shall have the right to apply for and obtain a decision by the Comptroller General on any question of law involved in a pay-

ment on any vouchers presented to them for certification. (Dec. 29, 1941, ch. 641, § 3, 55 Stat. 876.)

EFFECTIVE DATE

Effective date of act Dec. 29, 1941, cited to text, see note under section 82b of this title.

CROSS REFERENCES

Enforcement of liability of disbursing and other accountable officers, see sections 506, 508, 510, and 511 of this title.

§ 82e. Disbursing officers excepted from sections 82b-82e of this title.

Nothing contained in sections 82b-82e of this title shall apply to the disbursing functions under the jurisdiction of the War Department, the Navy Department (including the Marine Corps), and the Panama Canal, except those pertaining to departmental salaries and expenses in the District of Columbia. (Dec. 29, 1941, ch. 641, § 4, 55 Stat. 876.)

EFFECTIVE DATE

Effective date of act Dec. 29, 1941, cited to text, see note under section 82b of this title.

Chapter 6.—DEBTS DUE BY, OR TO, THE UNITED STATES

Sec.

224d. Settlement of claims for damages caused by United States armed forces in foreign countries (New).

§ 215. Settlement of claims not exceeding \$1,000; certification of amounts found due to Congress; time for presentation.

CROSS REFERENCES

Settlement of claims arising from actions of United States armed forces in foreign countries during National Emergency, see section 224d of this title and note thereunder.

§ 223. Settlement of claims for loss or damage to private property from operations, etc., of Army.

REPEATED.—Act June 30, 1941, 6:20 p. m., E. S. T., ch. 262, § 1, 55 Stat. 372.

§ 224. Settlement of claims for damages from operation of aircraft.

REPEATED.—Act June 30, 1941, 6:20 p. m., E. S. T., ch. 262, § 1, 55 Stat. 373.

§ 224d. Settlement of claims for damages caused by United States armed forces in foreign countries.

During the national emergency declared by the President on May 27, 1941, to exist, and for the purpose of promoting and maintaining friendly relations by the prompt settlement of meritorious claims, the Secretary of War and the Secretary of the Navy are hereby authorized to appoint a Claims Commission or Commissions, composed of officers of the Army, Navy, or Marine Corps, as the case may be, to consider, adjust, determine, and make payments in final settlement of bona fide claims on account of damages caused by Army, Navy, and Marine Corps forces, or individual members thereof, in a foreign country or possession thereof, including places located therein which are under the temporary or permanent jurisdiction of the United States, to the property, public or private, or the persons of inhabitants of such foreign countries, where the amount of such claim does not exceed \$1,000: *Provided*, That

no claim shall be considered by such Commissions unless presented within one year from the date of the accrual of said claim: *Provided further*, That any such settlements made by such Commissions under the authority of this section shall be final and conclusive for all purposes, notwithstanding any other provision of law to the contrary. (Jan. 2, 1942, ch. 645, § 1, 55 Stat. 880.)

PAYMENTS FROM CERTAIN APPROPRIATIONS, SECTION AS SUPPLEMENTARY TO EXISTING PROVISIONS

Sections 2 and 3 of act Jan. 2, 1942, cited to text, provided as follows.

"Sec. 2. All payments in settlement of claims under section 1 of this Act (section 224d of this title) shall be made out of the appropriation 'Pay, subsistence, and transportation of naval personnel', as to Navy and Marine Corps claims, and out of such appropriation for the Military Establishment as may be determined by the Secretary of War as to Army claims.

"Sec. 3. This Act (section 224d of this title) shall be supplementary to, and not in lieu of, all other provisions of law authorizing consideration, adjustment, determination, and payment of claims by the Secretary of War and the Secretary of the Navy, respectively."

CROSS REFERENCES

Settlement of claims arising from actions of United States armed forces, see sections 218-224a of this title, section 208 of Title 5, Executive Departments and Government Officers and Employees, and section 600 of Title 34, Navy.

Chapter 8.—COINS, COINAGE, AND CURRENCY

COINS AND COINAGE

§ 340. Purchase of metal for minor coinage; profit fund.

For the purchase of metal for the minor coinage, authorized by this chapter, a sum not exceeding \$1,000,000 in lawful money of the United States shall, upon the recommendation of the Director of the Mint and in such sums as he may designate, with the approval of the Secretary of the Treasury, be transferred to the credit of the superintendents of the mints at Philadelphia, San Francisco, and Denver, at which establishments, until otherwise provided by law, such coinage shall be carried on. The superintendents, with the approval of the Director of the Mint as to price, terms, and quantity shall purchase the metal required for such coinage by public advertisement, and the lowest and best bid shall be accepted, the fineness of the metals to be determined on the mint assay. The gain arising from the coinage of such metals into coin of a nominal value, exceeding the cost thereof, shall be credited to the special fund denominated the minor coinage profit fund; and this fund shall be charged with the waste incurred in such coinage, and with the cost of distributing said coins, as hereinafter provided. The balance remaining to the credit of this fund, and any balance of the profits accrued from minor coinage under former Acts, shall be, from time to time, and at least twice a year, covered into the Treasury of the United States. (As amended June 21, 1941, ch. 213, 55 Stat. 255.)

Chapter 10.—THE PUBLIC MONEYS

Sec.

529h. Same; advances by the Office of Scientific Research and Development (New).

CHECK FORGERY INSURANCE FUND (New)

- 561. Creation of fund; appropriations.
- 562. Payments from fund to payees, etc., of lost or stolen checks on United States paid on forged indorsements.
- 563. Criminal or civil liability of forger and subsequent indorsers; deposit of collections.
- 564. Rules and regulations.

§ 493a. Army officers permitted to keep receipts from sales and other sources for current expenditures.

REPEATED.—Act June 30, 1941, 6:20 p m., E. S. T., ch. 262, § 1, 55 Stat. 369

§ 405a. Use by officers of Navy and Marine Corps of moneys for current expenditures.

REPEATED.—Act May 6, 1941, ch. 86, 55 Stat. 161

§ 528. Duplicates for lost, stolen, destroyed, mutilated, or defaced checks.

CROSS REFERENCES

Forged indorsements, settlement with payees of lost or stolen checks which have been paid on, see section 561 et seq. of this title.

§ 529h. Advances by the Office of Scientific Research and Development.

Notwithstanding the provisions of section 529 of this title, in the expenditure of any funds heretofore or hereafter allocated to it, contracts entered into by the Office of Scientific Research and Development may provide for payments in advance of the rendering of the service or the delivery of the article contracted for, subject to such limitations as the Director of the Office of Scientific Research and Development may prescribe. (Dec. 17, 1941, ch. 591, title III, 55 Stat. 819.)

§ 542. Repealed. July 11, 1941, ch. 290, § 4, 55 Stat. 585.

CHECK FORGERY INSURANCE FUND (New)

§ 561. Creation of fund; appropriations.

There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$50,000, to be available until expended, to be used by the Treasurer of the United States, under the direction of the Secretary of the Treasury, for making settlement with the payees and special indorsees of certain checks drawn on the Treasurer of the United States, as hereinafter provided. There is hereby further authorized to be appropriated from time to time such additional sums as may be necessary for such purpose. There shall be on deposit with the Treasurer of the United States in a special deposit account a revolving fund, to be known as the check forgery insurance fund (hereinafter referred to as "the fund"), to be composed of the sum of \$50,000 and such further sums as may hereafter be appropriated from time to time, together with all recoveries deposited to the credit of the fund as hereinafter provided. (Nov. 21, 1941, ch. 489, § 1, 55 Stat. 777.)

EFFECTIVE DATE

§ 562. Payments from fund to payees, etc., of lost or stolen checks on United States paid on forged indorsements.

Whenever it is established (a) that any check heretofore or hereafter drawn on the Treasurer of the United States has been lost or stolen, without the fault of the payee or a holder who is a special indorsee and whose indorsement is necessary to the further negotiation of such check, (b) that such check has thereafter been negotiated and paid by the Treasurer on a forged indorsement of the payee's or special indorsee's name, (c) that the payee or special indorsee has not participated either directly or indirectly in the proceeds of such negotiation or payment, and (d) that reclamation from the forger or transferees or parties on such check subsequent to the forgery has been or may be delayed or be unsuccessful, the Treasurer of the United States is authorized and directed to draw on the fund prior to reclamation to pay such payee or special indorsee the amount of such check, without interest. (Nov. 21, 1941, ch. 489, § 2, 55 Stat. 777.)

EFFECTIVE DATE

Effective date of act Nov. 21, 1941, cited to text, see note under section 561 of this title.

CROSS REFERENCES

Duplicates for lost, stolen, mutilated, etc., checks, see section 528 of this title.

§ 563. Criminal or civil liability of forger and subsequent indorsers; deposit of collections.

Nothing contained in this subchapter shall be construed to relieve the forger from civil or criminal liability, nor to relieve any transferee or party on such check subsequent to the forgery from liability on his express or implied guaranty of prior indorsements, or liability to make refund to the Treasurer of the United States, and all amounts received by the Treasurer by way of reclamation from such persons, or other persons making repayment on behalf of such persons, to the extent that such amounts are necessary to reimburse the fund for payments made to payees or special indorsees therefrom shall forthwith be deposited to the credit of the fund and shall be available for the purposes thereof. (Nov. 21, 1941, ch. 489, § 3, 55 Stat. 778.)

EFFECTIVE DATE

Effective date of act Nov. 21, 1941, cited to text, see note under section 561 of this title.

§ 564. Rules and regulations.

The Secretary of the Treasury shall have the power to make such rules and regulations as he may deem necessary or proper for the administration of the provisions of this subchapter. (Nov. 21, 1941, ch. 489, § 4, 55 Stat. 778.)

EFFECTIVE DATE

Effective date of act Nov. 21, 1941, cited to text, see note under section 561 of this title.

Chapter 11.—APPROPRIATIONS

GENERAL PROVISIONS

§ 650a. Appropriations for travel of Military Establishment and War Department personnel; charged with expenses of personnel relieved from duty while traveling under orders.

REPEALED.—Act June 30, 1941, 6:20 p. m., E. S. T., ch. 262, § 1, 55 Stat. 371.

Chapter 12.—THE PUBLIC DEBT

Sec.

742a. Same; by Federal tax Acts (New).

CROSS REFERENCES

Investigation of nonessential Federal expenditures, see note under Subtitle D, preceding section 3600 of Title 26 Internal Revenue Code.

§ 742a. Same; by Federal tax Acts.

(a) Interest upon, and gain from the sale or other disposition of, obligations issued on or after March 1, 1941, by the United States or any agency or instrumentality thereof shall not have any exemption, as such, and loss from the sale or other disposition of such obligations shall not have any special treatment, as such, under Federal tax Acts now or hereafter enacted; except that any such obligations which the United States Maritime Commission or the Federal Housing Administration has, prior to March 1, 1941, contracted to issue at a future date, shall when issued bear such tax-exemption privileges as were, at the time of such contract, provided in the law authorizing their issuance. For the purposes of this subsection a Territory, a possession of the United States, and the District of Columbia, and any political subdivision thereof, and any agency or instrumentality of any one or more of the foregoing, shall not be considered as an agency or instrumentality of the United States.

(b) The provisions of this section shall, with respect to such obligations, be considered as amendatory of and supplementary to the respective Acts or parts of Acts authorizing the issuance of such obligations, as amended and supplemented. (Feb. 19, 1941, ch. 7, § 4, 55 Stat. 9, eff. Mar. 1, 1941.)

§§ 744-751.

CROSS REFERENCES

United States obligations issued after Feb. 28, 1941, subject to Federal taxation, see section 742a of this title.

§§ 753, 754.

CROSS REFERENCES

United States obligations issued after Feb. 28, 1941, subject to Federal taxation, see section 742a of this title.

§ 755. First Liberty loan; certificates of indebtedness.

TERMINATION OF AUTHORITY TO ISSUE OBLIGATIONS

The authority granted in this section to issue obligations was terminated by act Feb. 19, 1941, ch. 7, § 2 (b) (2), 55 Stat. 7.

§§ 756, 757.

TERMINATION OF AUTHORITY TO ISSUE OBLIGATIONS

The authority granted in these sections to issue obligations was terminated by act Feb. 19, 1941, ch. 7, § 2 (b) (1), 55 Stat. 7.

§ 757b. Limitation on obligations issued under second Liberty loan.

The face amount of obligations issued under the authority of sections 747, 752, 752a, 753-754b, 757, 757b, 757c, 758, 760, 764-766, 769, 771, 773, 744 (2), and 801 of this title shall not exceed in the aggregate \$65,000,000,000 outstanding at any one time. (As amended Feb. 19, 1941, ch. 7, § 2 (a), 55 Stat. 7, eff. Mar. 1, 1941.)

REPEAL

Section 301 of act June 25, 1940, ch. 419, title III, 54 Stat. 526, was repealed by act Feb. 19, 1941, ch. 7, § 2 (c), 55 Stat. 31.

§ 757c. United States savings bonds and Treasury savings certificates—(a) Authority to issue; use of proceeds.

The Secretary of the Treasury, with the approval of the President, is authorized to issue, from time to time, through the Postal Service or otherwise, United States savings bonds and United States Treasury savings certificates, the proceeds of which shall be available to meet any public expenditures authorized by law, and to retire any outstanding obligations of the United States bearing interest or issued on a discount basis. The various issues and series of the savings bonds and the savings certificates shall be in such forms, shall be offered in such amounts, subject to the limitation imposed by section 757b of this title, and shall be issued in such manner and subject to such terms and conditions consistent with subsections (b), (c), and (d) hereof, and including any restrictions on their transfer, as the Secretary of the Treasury may from time to time prescribe.

(b) Issuance on discount or interest-bearing basis; terms and conditions; limitation of purchases.

Savings bonds and savings certificates may be issued on an interest-bearing basis, on a discount basis, or on a combination interest-bearing and discount basis and shall mature, in the case of bonds, not more than twenty years, and in the case of certificates, not more than ten years, from the date as of which issued. Such bonds and certificates may be sold at such price or prices, and redeemed before maturity upon such terms and conditions as the Secretary of the Treasury may prescribe: *Provided*, That the interest rate on, and the issue price of, savings bonds and savings certificates and the terms upon which they may be redeemed shall be such as to afford an investment yield not in excess of 3 per centum per annum, compounded semiannually. The denominations of savings bonds and of savings certificates shall be such as the Secretary of the Treasury may from time to time determine and shall be expressed in terms of their maturity values. The Secretary of the Treasury is authorized by regulation to fix the amount of savings bonds and savings certificates issued in any one year that may be held by any one person at any one time.

(c) Issuance of savings stamps; removal of limitation on denominations of postal-savings stamps.

The Secretary of the Treasury may, under such regulations and upon such terms and conditions as he may prescribe, issue, or cause to be issued, stamps, or may provide any other means to evidence payments for or on account of the savings bonds and savings certificates authorized by this section, and he may make provision for the exchange of savings certificates for savings bonds. The limitation on the authority of the Postmaster General to prescribe the denominations of postal-savings stamps contained in the second paragraph of section 756 of Title 39, is removed; and the Postmaster General is authorized, for the purposes of such section and to encourage and facilitate the accumulation of funds for the purchase of savings bonds and savings certificates, to prepare and issue postal-savings stamps in such denominations as he may prescribe.

(d) Exemption from taxation; circulation privilege.

The provisions of section 747 of this title (relating to exemptions from taxation), shall apply to savings bonds issued before March 1, 1941. For purposes of taxation any increment in value represented by the difference between the price paid and the redemption value received (whether at or before maturity) for savings bonds and savings certificates shall be considered as interest. The savings bonds and the savings certificates shall not bear the circulation privilege.

(e) Appropriation for expenses.

The appropriation for expenses provided by sections 760 and 761 of this title shall be available for all necessary expenses under this section, and the Secretary of the Treasury is authorized to advance, from time to time, to the Postmaster¹ General from such appropriation such sums as are shown to be required for the expenses of the Post Office Department and of the Postal Service, in connection with the handling of savings bonds, savings certificates, and stamps or other means provided to evidence payment therefor, which sums may be used for additional employees or any other expenditure, wherever or in whatever class of post office incurred, in connection with such handling.

(f) Issuance of certain bonds discontinued.

No further original issue of bonds authorized by section 760 of Title 39, shall be made after July 1, 1935.

(g) Postal employees as fiscal agents for issuance, etc., of bonds, certificates or stamps.

At the request of the Secretary of the Treasury the Postmaster General, under such regulations as he may prescribe, shall require the employees of the Post Office Department and of the Postal Service to perform, without extra compensation, such fiscal agency services as may be desirable and practicable in connection with the issue, delivery, safekeeping, redemption, or payment of the savings bonds and savings certificates, or in connection with any stamps or other means provided to evidence payments. (As amended Feb. 19, 1941, ch. 7, § 3, 55 Stat. 7, eff. Mar. 1, 1941.)

¹ So in original. Probably should read "Postmaster".

AMENDMENTS

1941.—Subsecs. (a) and (b) were amended by act Feb. 19, 1941, cited to text.

Subsec. (c) was added by act Feb. 19, 1941, cited to text, which renumbered former subsec. (c) to be "(d)".

Subsecs. (d)–(g), formerly (c)–(f), respectively, were renumbered and amended by act Feb. 19, 1941, cited to text.

§ 761a. Limitations of section 761 as inapplicable to certain savings bond transactions.

REPEATED.—Act May 31, 1941, ch. 156, title I, § 1, 55 Stat. 216.

§ 769. Certificates of indebtedness; taxation; expense of issue.

CROSS REFERENCES

United States obligations issued after Feb. 28, 1941, subject to Federal taxation, see section 742a of this title.

Chapter 13.—CREDIT AND CURRENCY EXPANSION

§ 821. Purchase of Treasury bills and other obligations of United States; issuance of United States notes to repay money borrowed and purchase Government bonds; retirement of notes; legal tender; regulation of value of gold and silver coins.

* * * * *

(2) By proclamation to fix the weight of the gold dollar in grains nine tenths fine, and also to fix the weight of the silver dollar in grains nine tenths fine at a definite fixed ratio in relation to the gold dollar at such amounts as he finds necessary from his investigation to stabilize domestic prices or to protect the foreign commerce against the adverse effect of depreciated foreign currencies, and to provide for the unlimited coinage of such gold and silver at the ratio so fixed, or in case the Government of the United States enters into an agreement with any government or governments under the terms of which the ratio between the value of gold and other currency issued by the United States and by any such government or governments is established, the President may fix the weight of the gold dollar in accordance with the ratio so agreed upon, and such gold dollar, the weight of which is so fixed, shall be the standard unit of value, and all forms of money issued or coined by the United States shall be maintained at a parity with this standard and it shall be

the duty of the Secretary of the Treasury to maintain such parity, but in no event shall the weight of the gold dollar be fixed so as to reduce its present weight by more than 50 per centum. Nor shall the weight of the gold dollar be fixed in any event at more than 60 per centum of its present weight. The powers of the President specified in this paragraph shall be deemed to be separate, distinct, and continuing powers, and may be exercised by him, from time to time, severally or together, whenever and as the expressed objects of this section in his judgment may require; except that such powers shall expire June 30, 1943, unless the President shall sooner declare the existing emergency ended. (As amended June 30, 1941, ch. 265, § 2, 55 Stat. 396.)

* * * * *

§ 822a. Stabilization of exchange value of dollar; stabilization fund; duration of section.

* * * * *

(c) All the powers conferred by this section shall expire June 30, 1943, unless the President shall sooner declare the existing emergency ended and the operation of the stabilization fund terminated. (As amended June 30, 1941, ch. 265, § 1, 55 Stat. 395.)

AMENDMENTS

1941—Act June 30, 1941, changed date from "June 30, 1941" to "June 30, 1943."

TITLE 32.—NATIONAL GUARD

Chapter 1.—COMPOSITION, ORGANIZATION, AND CONTROL GENERALLY

§ 3. Exemptions from militia duty.

CROSS REFERENCES

Exemption from militia duty in Alaska Militia, see section 474 of Title 48, Territories and Insular Possessions.

§§ 4, 4c.

CROSS REFERENCES

Organization and composition of Alaska Militia, see sections 473 and 475 of Title 48, Territories and Insular Possessions.

§ 11. Adjutant general for each State, Territory, and District of Columbia.

CROSS REFERENCES

Appointment of Adjutant General of Alaska National Guard, see section 477 of Title 48, Territories and Insular Possessions.

§ 12. Appointment of adjutant generals for Territories and District of Columbia.

CROSS REFERENCES

Qualifications of Adjutant General of Alaska National Guard, see section 477 of Title 48, Territories and Insular Possessions.

§ 13. Annual reports by adjutant generals of States, etc.

CROSS REFERENCES

Duties of Adjutant General of Alaska National Guard, see section 477 of Title 48, Territories and Insular Possessions.

Chapter 3.—ARMAMENT, EQUIPMENT, AND SUPPLIES

§ 33. Issue of arms, equipment, material, uniforms, etc., to National Guard.

CROSS REFERENCES

Issuance of arms and equipment to Alaska Territorial Guard, see section 479 of Title 48, Territories and Insular Possessions.

§ 42. Care of animals; armament, etc.

NUMBER OF CARETAKERS

Number of caretakers for heavier-than-air squadrons increased from thirteen to twenty-one by act June 13, 1940, cited to text, and reaffirmed by act June 30, 1941, 6:20 p. m., E. S. T., ch. 262, § 1, 55 Stat. 385.

§§ 44, 47-1, 51.

REPEATED.—Act June 30, 1941, 6:20 p. m., E. S. T., ch. 262, § 1, 55 Stat. 386.

Chapter 13.—MISCELLANEOUS PROVISIONS

§ 194. Maintenance of other troops by States and Territories; issue of arms and equipment by Secretary of War.

No State or Territory nor Puerto Rico or the Canal Zone shall maintain troops in time of peace other than as authorized in accordance with the organization prescribed under this title: *Provided*, That nothing contained in this title shall be construed as limiting the rights of the States and Territories and Puerto Rico and the Canal Zone in the use of the National Guard within their respective borders in time of peace: *Provided further*, That nothing contained in this title shall prevent the organization and maintenance of State or Territorial police or constabulary: *Provided further*, That under such regulations as the Secretary of War may prescribe for discipline in training, the organization by and maintenance within any State or Territory or Puerto Rico or the Canal Zone of such military forces other than National Guard as may be provided by the laws of such State or Territory is hereby authorized while any part of the National Guard of the State or Territory or Puerto Rico or the Canal Zone concerned is in active Federal Service: *Provided further*, That such forces shall not be called, ordered, or in any manner drafted, as such, into the military services of the United States; however, no person shall, by reason of his membership in any such unit, be exempted from military service under any Federal law: *And provided further*, That the Secretary of War in his discretion and under regulations determined by him, is authorized to issue, from time to time, for the use of such military units, to any State or Territory or Puerto Rico or the Canal Zone, upon requisition of the Governor thereof, such arms and equipment as may be in possession of and can be spared by the War Department. (As amended Aug. 18, 1941, ch. 363, 55 Stat. 623.)

AMENDMENTS

1941—Act Aug. 18, 1941, cited to text, extended application of section to Puerto Rico and Canal Zone.

TITLE 33.—NAVIGATION AND NAVIGABLE WATERS

Chapter 10.—ANCHORAGE GROUNDS AND HARBOR REGULATIONS GENERALLY

§ 471. Establishment by Secretary of War of anchorage grounds and regulations generally.

CROSS REFERENCES

Control by Coast Guard of anchorage and movement of vessels in territorial waters for safety of naval vessels, see section 191c of Title 50, War.

Chapter 15.—FLOOD CONTROL

Sec.

701c-2. Same; acquisition and sale of land (New).

701c-3. Same; lease receipts; payment of portion to states (New).

701m. Insufficient Congressional authorization; preparations for and modification of project (New).

701n. Rescue work, repair and maintenance of projects threatened by flood (New).

702a-13. Same; further modification; adoption (New).

702a-12. Same; modified Lower Mississippi River project as of August 18, 1941 (New).

§ 701b. Same; supervision of Secretary of War and Secretary of Agriculture; reclamation projects unaffected.

Hereafter Federal investigations and improvements of rivers and other waterways for flood control and allied purposes shall be under the jurisdiction of and shall be prosecuted by the War Department under the direction of the Secretary of War and supervision of the Chief of Engineers, and Federal investigations of watersheds and measures for run-off and waterflow retardation and soil-erosion prevention on watersheds shall be under the jurisdiction of and shall be prosecuted by the Department of Agriculture under the direction of the Secretary of Agriculture, except as otherwise provided by Act of Congress; and that in their reports upon examinations and surveys, the Secretary of War and the Secretary of Agriculture shall be guided as to flood-control measures by the principles set forth in section 701a of this title in the determination of the Federal interests involved: *Provided*, That the foregoing grants of authority shall not interfere with investigations and river improvements incident to reclamation projects that may now be in progress or may be hereafter undertaken by the Bureau of Reclamation of the Interior Department pursuant to any general or specific authorization of law. (As amended Aug. 18, 1941, ch. 377, § 1, 55 Stat. 638.)

§ 701b-1. Transfer of jurisdiction in certain cases to Department of Agriculture.

CROSS REFERENCES

Additional appropriation, see note under section 701f-1 of this title.

§ 701b-2. Same; cooperation by Secretaries of War and Agriculture; expenditures.

In carrying out the purposes of sections 701a, 701b, 701c, 701d, 701e, 701f, and 701h of this title, as

amended and supplemented, the Secretary of War and the Secretary of Agriculture are hereby authorized to cooperate with institutions, organizations, and individuals, and to utilize the services of Federal, State, and other public agencies, and to pay by check to the cooperating public agency, either in advance or upon the furnishing or performance of said services, all or part of the estimated or actual cost thereof; and to make expenditures for personal services and rent in the District of Columbia and elsewhere, for purchase of reference and law books and periodicals, for printing and binding, for the purchase, exchange, operation, and maintenance of motor-propelled passenger-carrying vehicles and motorboats for official use, and for other necessary expenses. The provisions of this section shall be applicable to any funds heretofore appropriated for the prosecution by the Secretary of Agriculture of works of improvement for measures of run-off and waterflow retardation and soil-erosion prevention upon watersheds. (As amended Aug. 18, 1941, ch. 377, § 8, 55 Stat. 650.)

AMENDMENTS

1941—Act Aug 18, 1941, cited to text, changed the reference near the beginning of this section, and added the last sentence to the section.

§ 701c. Same; rights-of-way, easements, etc.; acquisition by local authorities; maintenance and operation; protection of United States from liability for damages; requisites to run-off and water-flow retardation and soil erosion prevention assistance.

APPLICATION TO ACT AUG. 18, 1941

Act. Aug. 18, 1941, ch. 377, § 2, 55 Stat. 638, provided in part: "That section 3 of the Act approved June 22, 1936 (Public, Numbered 738, Seventy-fourth Congress) (Title 33, § 701c), as amended by section 2 of the Act approved June 28, 1938 (Public, Numbered 761, Seventy-fifth Congress) (Title 33, §§ 701c note, 701c-1), shall apply to all works authorized in this Act, except that for any channel improvement or channel rectification project provisions (a), (b), and (c) of section 3 of said Act of June 22, 1936, shall apply thereto, and except as otherwise provided by law: * * * *Provided further*, That the authorization for any flood-control project heretofore or herein adopted requiring local cooperation shall expire five years from the date on which local interests are notified in writing by the War Department of the requirements of local cooperation, unless said interests shall within said time furnish assurances satisfactory to the Secretary of War that the required cooperation will be furnished * * *"

§ 701c-2. Same; acquisition and sale of land.

The provisions of sections 558a and 593-595 of this title relating to river and harbor improvements are hereby made applicable to works of flood control heretofore or hereafter authorized. (Aug. 18, 1941, ch. 377, § 6, 55 Stat. 650.)

§ 701c-3. Same; lease receipts; payment of portion to states.

25 per centum of all moneys received and deposited in the Treasury of the United States during any fiscal year on account of the leasing of lands acquired by the United States for flood control purposes shall be paid, at the end of such year, by the Secretary of the Treasury to the State in which such property is situated, to be expended as the State legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which such property is situated: *Provided*, That when such property is situated in more than one State or county the distributive share to each from the proceeds of such property shall be proportional to its area therein. (Aug. 18, 1941, ch. 377, § 7, 55 Stat. 650.)

§ 701f. Same; appropriation; payment of employees from funds of Works Progress Administration.

LIST OF WORKS OF IMPROVEMENT

Works of improvement adopted and authorized to be prosecuted are listed in act Aug. 18, 1941, ch. 377, § 3, 55 Stat. 639.

LIST OF LOCALITIES FOR EXAMINATIONS AND SURVEYS

Localities at which preliminary examination and surveys are authorized to be made are listed in act Aug. 18, 1941, ch. 377, § 4, 55 Stat. 643.

§ 701f-1. Same; appropriation.

ADDITIONAL APPROPRIATIONS

Act Aug. 18, 1941, ch. 377, § 10, 55 Stat. 651, provided as follows. "SEC. 10 That the sum of \$275,000,000 is hereby authorized to be appropriated for carrying out the improvements herein, the sum of \$10,000,000 additional is authorized to be appropriated and expended in equal amounts by the Departments of War and Agriculture for carrying out any examinations and surveys provided for in this Act and any other Acts of Congress to be prosecuted by said departments. There is also hereby authorized to be appropriated for expenditure by the Department of Agriculture in carrying on works of improvement of the character specified in section 7 of the Flood Control Act of June 28, 1938 (Title 83, § 701b-1), and which the Department is not otherwise authorized to undertake, such additional sums, not to exceed \$5,000,000, as may be necessary for that purpose. All appropriations necessary for operation and maintenance of flood-control works authorized by law to be operated and maintained by the United States are hereby authorized."

§ 701g. Same; removal of obstructions; clearing channels.

The Secretary of War is hereby authorized to allot not to exceed \$500,000 from any appropriations heretofore or hereafter made for any one fiscal year for flood control, for removing accumulated snags and other debris and clearing and straightening channels in navigable streams and tributaries thereof, when in the opinion of the Chief of Engineers such work is advisable in the interest of flood control: *Provided*, That not more than \$25,000 shall be allotted for this purpose for any single tributary from the appropriations for any one fiscal year. (As amended Aug. 18, 1941, ch. 377, § 9, 55 Stat. 650.)

§ 701j. Same; installation in dams of facilities for future development of hydroelectric power.

SIMILAR PROVISIONS

A similar provision with reference to dams authorized in such act was contained in act Aug. 18, 1941, ch. 377, § 3, 55 Stat. 639.

§ 701m. Insufficient Congressional authorization; preparations for and modification of project.

In any case where the total authorization for a project heretofore or hereafter authorized by Congress is not sufficient to complete plans that may have been made the Chief of Engineers is authorized in his discretion to plan and make expenditures on preparations for the project, such as the purchase of lands, easements, and rights-of-way; readjustments of roads, railroads, and other utilities; removal of towns, cemeteries, and dwellings from reservoir sites; and the construction of foundations. The Chief of Engineers is also authorized in his discretion to modify the plan for any dam or other work heretofore or hereafter authorized so that such dam or work will be smaller than originally planned with a view to completing a useful improvement within an authorization: *Provided*, That the smaller structure shall be located on the chosen site so that it will be feasible at some future time to enlarge the work in order to permit the full utilization of the site for all purposes of conservation such as flood control, navigation, reclamation, the development of hydroelectric power, and the abatement of pollution. (Aug. 18, 1941, ch. 377, § 2, 55 Stat. 638.)

§ 701n. Rescue work; repair and maintenance of projects threatened by flood.

The Secretary of War is hereby authorized to allot, from any appropriations heretofore or hereafter made for flood control, not to exceed \$1,000,000 for any one fiscal year to be expended in rescue work or in the repair or maintenance of any flood-control work threatened or destroyed by flood. (Aug. 18, 1941, ch. 377, § 5, 55 Stat. 650.)

CROSS REFERENCES

Mississippi River projects, see section 702g of this title.

§ 702-1¾. Same; further modification; adoption.

The project for flood control of the Lower Mississippi River adopted by sections 702a—702a-1½, 702-2—702a-11, 702b—702d, and 702e—702m of this title is hereby modified and, as modified, is hereby authorized and adopted. (Aug. 18, 1941, ch. 377, § 3, 55 Stat. 642.)

CROSS REFERENCES

Modification of Lower Mississippi River flood control project by act Aug. 18, 1941, cited to text, see section 702a-12 of this title.

§ 702a-12. Same; modified Lower Mississippi River project as of August 18, 1941.

(a) The existing engineering plan for flood control in the alluvial valley of the Mississippi River is hereby modified so as to provide for the construction of plan 4 as set forth in the report of the Mississippi River Commission, dated March 7, 1941, to the Chief of Engineers, except that the levees in the Yazoo Basin on the east bank of the Mississippi River south of the Coahoma-Bolivar County line in said plan shall have a three-foot freeboard over the project flood, and all levees shall be constructed with adequate section and foundation to conform to increased levee heights. The Boeuf Floodway in the project adopted by sections 702a, 702b—702d,

702e-702g, 702h-702j, 702k, 702L, and 702m of this title, and the Eudora Floodway as well as the Northward Extension and the back protection levee extending from the head of the said Eudora Floodway north to the Arkansas River in the project adopted by sections 702a-1, 702a-2-702a-11, 702g-1, 702j-1, 702j-2, 702k-1, and 702k-2 of this title, are hereby abandoned, and the provisions of said sections relating to the prosecution of work on said floodways and extension are hereby repealed.

(b) The project for flood control of the Yazoo River shall be as authorized by sections 701c, 701c-1, 702a-1, 702a-2-702a-10, 702g-1, 702j-1, 702j-2, 702k-1, and 702k-2 of this title, except that the Chief of Engineers may, in his discretion, from time to time, substitute therefor combinations of reservoirs, levees, and channel improvements; and except that the extension of the authorized project and improvements contemplated in plan C of the report of March 7, 1941, of the Mississippi River Commission are authorized, including the extension of the levee on the east bank of the Mississippi River generally along the west bank of the Yazoo River to a connection in the vicinity of Yazoo City with the Yazoo River levee, authorized by the existing project for protection against headwater floods of the Yazoo River system, and the adjustment in the discretion of the Chief of Engineers of the grades of the existing levees in the backwater area on the east bank of Yazoo River below Yazoo City, all at an estimated additional cost of \$11,932,000: *Provided*, That the Chief of Engineers shall fix the grade of the extension levees along the Yazoo River, with higher levees in his discretion, so that their construction will give the maximum practical protection without jeopardizing the safety and integrity of the main Mississippi River levees: *And provided further*, That prior to the beginning of construction local authorities shall furnish satisfactory assurances that they will (1) maintain the levees in accordance with the provisions of section 702c of this title, and will (2) not raise the levees in the backwater above the limiting elevations established therefor by the Chief of Engineers.

(c) In the development of the authorized project, the construction of a levee and improvements contemplated in the report of March 7, 1941, of the Mississippi River Commission from the main-line levee on the west bank of the Mississippi River in the vicinity of Shaw, Louisiana, westward and northward to the vicinity of Newlight, Louisiana, for the protection of that part of the Red River backwater known as the Tensas-Cocodrie area at an estimated cost of \$6,976,000 is hereby authorized: *Provided*, That the Chief of Engineers shall fix the grade of said levee, with a higher levee in his discretion, so that its construction will give the maximum practical protection without jeopardizing the safety and integrity of the main Mississippi River levees: *And provided further*, That prior to the beginning of construction local authorities shall furnish satisfactory assurances that they will (1) maintain the levee in accordance with the provisions of section 702c of this title, and will (2) not raise the said levee above the limiting elevations established therefor by the

Chief of Engineers: *Provided further*, That subject to the foregoing conditions of local cooperation the Chief of Engineers may in his discretion substitute other levees and appurtenant works for, or make such modifications of, the levees and improvements herein authorized for the protection of the Tensas-Cocodrie area as may be found after further investigation to afford protection to a larger area in the Red River Backwater at a total cost not to exceed \$14,000,000 and without jeopardizing the safety and integrity of the main Mississippi River levees and without preventing or jeopardizing the diversions contemplated in the adopted project through the Atchafalaya River and Atchafalaya Basin.

(d) The Chief of Engineers, with approval of the Secretary of War, shall reimburse local authorities for actual expenditures found by the Chief of Engineers to be reasonable, for providing at the request of the United States, in accordance with local legal procedure or custom, rights-of-way and flowage easements required for future setbacks of main-line Mississippi River levees.

(e) The existing engineering plan for flood control of the Saint Francis River is hereby modified so as to permit the substitution for the suspended portions of the original project below Oak Donnick, Arkansas, of the construction of a ditch in Cross County, Arkansas, beginning in the vicinity of the outlet end of the existing Oak Donnick to Saint Francis Bay floodway and terminating in Saint Francis Bay about two miles north of Riverfront, including the construction of a highway bridge at State Highway Numbered 42 made necessary by the ditch construction: *Provided*, That local interests give assurances satisfactory to the Secretary of War that they will (1) provide without cost to the United States all lands, easements, and rights-of-way necessary for the construction; (2) hold and save the United States free from damages due to the construction works; and (3) maintain the works after completion in accordance with regulations prescribed by the Secretary of War.

(f) In the development of the authorized project, the construction of improvements for Bayou Rapides, Boeuf, and Cocodrie, Louisiana, contemplated in the report dated March 24, 1941, of the Special Board of Officers at an estimated cost of \$2,600,000 is hereby authorized.

(g) The total authorizations heretofore made for the flood control project of the alluvial valley of the Mississippi River shall not be increased by reason of any provision in sections 701b, 701b-2, 701c-2, 701c-3, 701g, 701m, 701n, 702a-1½, and 702a-12 of this title and section 1026b of Title 10, except for the additional amounts necessary for the Yazoo and Red River backwater improvements, and any appropriations heretofore or hereafter made or authorized for said project as herein or heretofore modified may be expended upon any feature of the said project, notwithstanding any restrictions, limitations, or requirements of existing law: *Provided*, That funds hereafter expended for maintenance shall not be considered as reducing present remaining balances of authorizations. (June 15, 1936, ch. 543, as added Aug. 18, 1941, ch. 377, § 3, 55 Stat. 642.)

§ 702g. Same; appropriation for emergency fund.

CROSS REFERENCES

Rescue work and repair and maintenance of projects threatened by flood, generally, see section 701n of this title.

§ 702h. Same; prosecution of project by Mississippi River Commission; president of commission; salaries.

CROSS REFERENCES

Retirement rank, pay, and allowances of officer of Corps of Engineers serving 4 years as President of Mississippi River Commission, see section 1026b of Title 10, Army.

Chapter 16.—LIGHTHOUSES

§ 721a. Deposit of damage payments; disbursement.

The Coast Guard is authorized, whenever an aid to navigation or other property belonging to the Coast Guard is damaged or destroyed by a private person, and such private person or his agent shall pay to the satisfaction of the proper official of the Coast Guard for the cost of repair or replacement of such property, to accept and deposit such payments, through proper officers of the Fiscal Service, Treasury Department, in special deposit accounts in the Treasury, for payment therefrom to the person or persons repairing or replacing the damaged property and refundment of amounts collected in excess of the cost of the repairs or replacements concerned. In the event such payment is deposited subsequent to payment by the Coast Guard from appropriated funds to the person or persons repairing or replacing the damaged property, such payment shall be deposited to the credit of the appropriation current at the time the collection is made. (As amended July 11, 1941, ch. 290, § 2, 55 Stat. 535.)

AMENDMENTS

1941—Act July 11, 1941, cited to text, substituted "Coast Guard" for "Lighthouse Service" before the words "is damaged or destroyed", and added last sentence.

§ 732. Exchange of right-of-way pertaining to Coast Guard.

The Secretary of the Treasury is authorized, whenever he shall deem it advisable, to exchange any right-of-way of the United States in connection with lands pertaining to the United States Coast Guard for such other right-of-way as may be advantageous to the Service,¹ under such terms and conditions as he may deem to be for the best interests of the Government; and in case any expenses, not exceeding the sum of \$500, are incurred by the United

States in making such exchange, the same shall be payable from the appropriation "Coast Guard, General Expenses" for the fiscal year during which such exchange shall be effected. (As amended July 11, 1941, ch. 290, § 1, 55 Stat. 584.)

¹ So in original. Probably should read "Coast Guard."

AMENDMENTS

1941—Act July 11, 1941, cited to text, amended section by substituting "United States Coast Guard" for "Lighthouse Service."

§ 733. Approval by Attorney General of title to site before expenditure of moneys; acquisition by United States of jurisdiction over lands.

CROSS REFERENCES

Exception in case of strategic network of highways, see section 114 of Title 23, Highways.

Chapter 17.—COAST AND GEODETIC SURVEY

GENERAL PROVISIONS

§ 851. Commissioned personnel; relative rank with Navy; retired officers; assistant director.

There are in the Coast and Geodetic Survey, commissioned officers as follows: One director with relative rank of captain in the Navy; two hydrographic and geodetic engineers with relative rank of captain in the Navy; seven hydrographic and geodetic engineers with relative rank of commander in the Navy; nine hydrographic and geodetic engineers with relative rank of lieutenant commander in the Navy; thirty-eight hydrographic and geodetic engineers with relative rank of lieutenant in the Navy; fifty-five junior hydrographic and geodetic engineers with relative rank of lieutenant (junior grade) in the Navy; twenty-nine aids with relative rank of ensign in the Navy, and officers retired in accordance with law: *Provided*, That the Secretary of Commerce may designate one of the hydrographic and geodetic engineers to act as assistant director. (As amended June 28, 1941, ch. 258, title II, 55 Stat. 283.)

AMENDMENTS

1941—The proviso of this section was repeated in act June 28, 1941, cited to text.

Chapter 18.—LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

CROSS REFERENCES

Application of chapter for compensation for disability or death to persons employed at Military, Air, and Naval Bases outside the United States, see sections 1651-1654 of Title 42, Public Health and Welfare.

TITLE 34.—NAVY

Chapter 1.—ORGANIZATION GENERALLY GRADES, NUMBER, AND DISTRIBUTION OF LINE AND STAFF

§ 2. Authorized number of officers of the line.

The total authorized number of commissioned officers of the active list of the line of the Navy, exclusive of commissioned warrant officers, shall be equal to 5½ per centum of the authorized enlisted strength of the active list. (As amended Apr. 22, 1941, ch. 74, § 3, 55 Stat. 145.)

MEDICAL CORPS

§ 21. Acting appointments; how made.

The President is hereby authorized to appoint for temporary service one hundred acting assistant surgeons, who shall have the rank and compensation of assistant surgeons: *Provided*, That the Secretary of the Navy may appoint in time of war or national emergency declared by the President to exist, for temporary service, such acting assistant surgeons as the exigencies of the service may require, who shall receive the compensation of assistant surgeons. (As amended Mar. 17, 1941, ch. 17, 55 Stat. 43.)

Chapter 2.—ENLISTED PERSONNEL

TERM OF ENLISTMENT

Sec.

- 181a. Shipping articles to contain substance of section 181 (New).
185. Same; continuation of term during disability (New)
186. Same; extension by Secretary of Navy in time of war (New).

FURLOUGHS AND DISCHARGES; DISPOSITION OF ENLISTED MEN AT EXPIRATION OF TERM OF ENLISTMENT

- 201a. Part of section 201 as inapplicable to certain enlistments (New).
201b. Same; suspension of addition to pay during war (New).

NUMBER

§ 151. General provisions.

The permanent authorized enlisted strength of the active list of the Regular Navy shall be two hundred and thirty-two thousand. The President is hereby authorized, whenever in his judgment a sufficient national emergency exists, to increase this number to three hundred thousand. (As amended Apr. 22, 1941, ch. 74, § 1, 55 Stat. 145.)

§ 152. "Authorized enlisted strength" defined.

The phrase "authorized enlisted strength", as applied to the personnel of the Navy, shall hereafter mean the total number of enlisted men of

the Navy authorized by law, exclusive of the Hospital Corps. (As amended Apr. 22, 1941, ch. 74, § 2, 55 Stat. 145.)

TERM OF ENLISTMENT

§ 181. Length of term; discharge of minors; extension of term during war or emergency and discharge thereafter.

Hereafter enlistments in the Navy and Marine Corps may be for minority or terms of two, three, four, or six years, and all laws now applicable to four-year enlistments shall apply, under such regulations as may be prescribed by the Secretary of the Navy, to enlistments for a shorter or longer period with proportionate benefits upon discharge and reenlistment: *Provided*, That upon the presentation of satisfactory evidence as to his age and upon application for discharge by his parent or guardian presented to the Secretary of the Navy within ninety days after the date of his enlistment, any man enlisted in the naval service, including the Marine Corps, under twenty-one years of age, who was enlisted without the written consent of his parent or guardian, if any, shall be discharged for his own convenience: *Provided further*, That all enlistments hereafter entered into may be extended by the Secretary of the Navy for such additional time as he may deem necessary in the public interest in time of war, or national emergency declared by the President, to exist: *Provided further*, That all men whose terms of enlistment are extended in accordance with the provisions of sections 181, 181a, 201a, 692, 692a of this title, section 35a of Title 14, and section 16a of Title 37 shall continue during such extensions to be subject in all respects to the laws and regulations for the government of the Navy: *And provided further*, That men detained in service in accordance with sections 181, 181a, 201a, 692, 692a of this title, section 35a of Title 14, and section 16a of Title 37 shall, unless they voluntarily extend their enlistments, be discharged not later than six months after the date of the termination of the war or national emergency. (As amended Aug. 18, 1941, ch. 364, § 1, 55 Stat. 629.)

CROSS REFERENCES

Provisions similar to those contained in this section are set out in section 692 of this title.

§ 181a. Shipping articles to contain substance of section 181.

Hereafter the shipping articles shall contain the substance of section 181 of this title. (Aug 18, 1941, ch. 364, § 5, 55 Stat. 630.)

CROSS REFERENCES

Provisions similar to those contained in this section are set out in section 692a of this title.

§ 185. Same; continuation of term during disability.

Hereafter any enlisted man of the Army, Navy, Marine Corps, and Coast Guard of the United States in the active service, whose term of enlistment shall expire while he is suffering disease or injury incident to service and not due to misconduct, and who is in need of medical care or hospitalization, may, with his consent, be retained in such service beyond the expiration of his term of enlistment, and any such enlisted man shall be entitled to receive at Government expense medical care or hospitalization and his pay and allowances (including expense money authorized by law and credit for longevity) until he shall have recovered to such extent as would enable him to meet the physical requirements for reenlistment, or until it shall have been ascertained by competent authority of the service concerned that the disease or injury is of a character that recovery to such an extent would be impossible, whichever is earlier: *Provided*, That any enlisted man whose enlistment is extended as provided herein shall be subject to forfeiture in the same manner and to the same extent as if his term of enlistment had not expired, and nothing contained in this section shall prevent any enlisted man of the Army, Navy, or Marine Corps, and the Coast Guard, from being held in the service without his consent under, respectively, the provisions of section 1579 of Title 10, section 183 of this title, and section 35, subsection (a), of Title 14. (Dec. 12, 1941, ch. 566, 55 Stat. 797.)

CROSS REFERENCES

Provisions similar to those contained in this section are set out in section 528a of Title 10, Army, and section 85a of Title 14, Coast Guard.

§ 186. Same; extension by Secretary of Navy in time of war.

In time of war all enlistments in the Regular Navy, Marine Corps, and Coast Guard, and in the Reserve components thereof as applicable, may be extended by the Secretary of the Navy for such additional time as he may deem necessary in the interest of national defense: *Provided*, That all men whose terms of enlistment are extended in accordance with the provisions of this section shall continue during such extensions to be subject in all respects to the laws and regulations for the government of the Navy: *Provided further*, That men detained in service in accordance with this section shall, unless they voluntarily extend their enlistments, be discharged not later than six months after the termination of the condition which originally authorized their detention. (Dec. 13, 1941, ch. 570, § 1, 55 Stat. 799.)

CROSS REFERENCES

Same provisions as those of this section constitute section 35c of Title 14, Coast Guard.

FURLOUGHS AND DISCHARGES; DISPOSITION OF ENLISTED MEN AT EXPIRATION OF TERM OF ENLISTMENT

§ 201a. Part of section 201 as inapplicable to certain enlistments.

That portion of section 201 of this title which reads as follows: "All persons who shall be so de-

tained beyond their terms of enlistment or who shall, after the termination of their enlistment, voluntarily reenter to serve until the return to an Atlantic or Pacific port of the vessel to which they belong, and their regular discharge therefrom, shall receive for the time during which they are so detained, or shall so serve beyond their original terms of enlistment, an addition of one-fourth of their former pay:" shall not apply to enlistments which are extended pursuant to sections 181, 181a, 692, 692a of this title, section 35a of Title 14, and section 16a of Title 37. (Aug. 18, 1941, ch. 364, § 4, 55 Stat. 630.)

§ 201b. Same; suspension of addition to pay during war.

In time of war that portion of section 201 of this title which reads as follows: "All persons who shall be so detained beyond their terms of enlistment or who shall, after the termination of their enlistment, voluntarily reenter to serve until the return to an Atlantic or Pacific port of the vessel to which they belong, and their regular discharge therefrom, shall receive for the time during which they are so detained, or shall so serve beyond their original terms of enlistment, an addition to one-fourth of their former pay:" shall be suspended. (Dec. 13, 1941, ch. 570, § 2, 55 Stat. 799.)

¹ So in original. Reads "of" in section 201 of this title.

Chapter 3.—GENERAL PROVISIONS RELATING TO OFFICERS

Sec.

212a. Designation of officers to perform special or unusual duty; number and rank (New).

§ 212a. Designation of officers to perform special or unusual duty; number and rank.

In addition to those officers who may be serving in the grade of vice admiral by virtue of the provisions of section 212 of this title, naval officers, not to exceed a total of nine at any one time, designated by the President to perform special or unusual duty, or to command naval units afloat organized for the purpose of performing a special or unusual mission may, within the discretion of the President, have the rank, pay, and all allowances of a vice admiral while so serving. In time of war or national emergency the provisions of this section shall be applicable only to officers on the active list of the rank or grade of captain and above. At all other times the said provisions shall apply only to officers of the rank or grade of rear admiral. (July 17, 1941, ch. 304, 55 Stat. 598.)

Chapter 5.—PROMOTION AND ADVANCEMENT

TEMPORARY PROMOTIONS IN NAVY AND MARINE CORPS (NEW)

Sec.

350. Promotions in time of war or national emergency.

350a. Personnel eligible for temporary promotions; definitions.

350b. Officers on active list of Regular Navy or Marine Corps eligible for temporary promotions; pay.

350c. Commissioned or warrant officers on retired list eligible for temporary promotions; computation of retired pay.

350d. Number of promotions.

350e. Presidential appointments with and without concurrence of the Senate.

- Sec
350f Status at time of temporary promotion as unaffected; uniform allowance for enlisted men promoted
- 350g Physical disability while serving under temporary appointment; jurisdiction of naval retiring board; time for commencement of proceedings
- 350h. Computation of authorized number of officers in any grade.
- 350i. Termination of temporary status of personnel; retired pay.
- 350j. Temporary promotions in Naval Reserve, Marine Corps Reserve, and Coast Guard.

TEMPORARY PROMOTIONS IN NAVY AND MARINE CORPS

§ 350. Promotions in time of war or national emergency.

Except as otherwise specified herein the authority granted by sections 350–350j of this title shall be exercised only in time of war or national emergency determined by the President. (July 24, 1941, ch. 320, § 1, 55 Stat. 603.)

§ 350a. Personnel eligible for temporary promotions; definitions.

(a) As used in sections 350–350j of this title, the words “temporarily appointed” shall be interpreted to mean also “temporarily promoted” or “temporarily advanced in rank”, as the case may be.

(b) The following personnel may be temporarily appointed to ranks or grades in the Regular Navy or Marine Corps, not above lieutenant in the Navy and captain in the Marine Corps:

(1) Commissioned warrant officers of the Regular Navy and Marine Corps.

(2) Warrant officers of the Regular Navy and Marine Corps.

(3) First-class petty officers and above in the Regular Navy and platoon or staff sergeants and above in the Regular Marine Corps, including enlisted men of those grades on the retired list on active duty.

(4) Enlisted men of the Fleet Reserve and the Fleet Marine Corps Reserve on active duty in the grades herein specified for enlisted men of the Regular Navy or Marine Corps. (July 24, 1941, ch. 320, § 2, 55 Stat. 603.)

§ 350b. Officers on active list of Regular Navy or Marine Corps eligible for temporary promotions; pay.

Officers on the active list of the Regular Navy or Marine Corps in commissioned ranks, including those appointed under the authority of section 350a of this title, may be temporarily appointed to higher ranks or grades in the Regular Navy or Marine Corps, and the provisions of section 2 of Title 37, shall be applicable to all officers eligible for consideration for appointment or advancement pursuant to the provisions of sections 350–350j of this title, not only during the existence of a state of war formally recognized by Congress, but also during a national emergency determined by the President. (July 24, 1941, ch. 320, § 3, 55 Stat. 603.)

§ 350c. Commissioned or warrant officers on retired list eligible for temporary promotions; computation of retired pay.

(a) Commissioned or warrant officers on the retired list of the Navy or Marine Corps may, while on

active duty, be temporarily appointed to higher ranks or grades on the retired list. Any officer so appointed shall, while on active duty, be entitled to the same pay and allowances as officers of like grade or rank with equivalent service on the active list.

(b) In the computation of the retired pay of officers heretofore or hereafter retired with pay at the rate of 2½ per centum of the active-duty pay received by them at the time of retirement multiplied by the number of years of service for which entitled to credit in the computation of their pay on the active list, not to exceed a total of 75 per centum of said active-duty pay, active duty performed by such retired officers subsequent to the date of their retirement shall be counted for the purpose of computing percentage increases in their retired pay. These increases shall be at the rate of 2½ per centum for each year of active duty and a fractional year of six months or more shall be considered a full year in computing the number of years: *Provided*, That the increased retired pay of such retired officers shall in no case exceed 75 per centum of the active-duty pay as authorized by existing law: *Provided further*, That no back pay or allowances shall accrue by reason of the passage of sections 350–350j of this title. (July 24, 1941, ch. 320, § 4, 55 Stat. 603.)

§ 350d. Number of promotions.

The temporary appointments under the authority of sections 350–350j of this title shall be in such numbers as the President may determine that the needs of the service require and in such manner and under such regulations as he may prescribe. (July 24, 1941, ch. 320, § 5, 55 Stat. 604.)

§ 350e. Presidential appointments with and without concurrence of the Senate.

Temporary appointments under the authority of sections 350–350j of this title shall, if they are to the rank or grade of rear admiral in the Navy or general officer in the Marine Corps, be made by and with the advice and consent of the Senate; if to lower ranks or grades, they may be made by the President alone. (July 24, 1941, ch. 320, § 6, 55 Stat. 604.)

350f. Status at time of temporary promotion as unaffected; uniform allowance for enlisted men promoted.

The permanent, probationary, or acting appointments of those persons temporarily appointed in accordance with the provisions of sections 350–350j of this title shall not be vacated by reason of such temporary appointments, such persons shall not be prejudiced thereby in regard to promotion, advancement, or appointment in accordance with laws relating to the Regular Navy or Marine Corps, and their rights, benefits, privileges, and gratuities shall not be lost or abridged in any respect whatever by their acceptance of commissions or warrants hereunder: *Provided*, That except as otherwise provided herein no person who shall accept a commission or warrant under sections 350a and 350b of this title shall, while serving thereunder, be entitled to pay or allowances except as provided by law for the position temporarily occupied: *Provided further*, That no person temporarily appointed under the authority of sec-

tions 350–350j of this title shall suffer any reduction in pay and allowances to which he would have been entitled had he not been so temporarily appointed.

(b) Enlisted men shall, upon being initially appointed as provided by section 350a of this title, be paid the sum of \$250 as a uniform gratuity. (July 24, 1941, ch. 320, § 7, 55 Stat. 604.)

§ 350g. Physical disability while serving under temporary appointment; jurisdiction of naval retiring board; time for commencement of proceedings.

(a) An officer or enlisted man of the active list of the Regular Navy or Marine Corps, or an enlisted man of the Fleet Reserve or Fleet Marine Corps Reserve, who incurs physical disability while serving under a temporary appointment in a higher rank, shall be retired in such higher rank with retired pay at the rate of 75 per centum of the active-duty pay to which he was entitled while serving in that rank.

(b) An officer or enlisted man of the retired list of the Regular Navy or Marine Corps who was placed thereon for reasons other than physical disability shall, if he incurs physical disability while serving under a temporary appointment in a higher rank, be advanced on the retired list to such higher rank with retired pay at the rate of 75 per centum of the active duty pay to which he was entitled while serving in that rank.

(c) An officer of the retired list of the Regular Navy or Marine Corps who was placed thereon by reason of physical disability shall, if he incurs physical disability while serving under a temporary appointment in a higher rank, subject to the provisions of subsection (e) hereof, be advanced on the retired list to such higher rank with retired pay at the rate of 75 per centum of the active-duty pay to which he was entitled while serving in that rank.

(d) An officer of the retired list of the Regular Navy or Marine Corps who was placed thereon for reasons other than physical disability shall, if he incurs physical disability while serving on active duty in the same rank as that held by him on the retired list and if not otherwise entitled thereto, receive 75 per centum of the active-duty pay to which he was entitled while serving in that rank.

(e) The benefits of this section shall apply only to an individual who incurs physical disability in line of duty in time of war or national emergency. In the case of those officers to whom subsection (c) hereof is applicable retirement in the next higher rank shall be effected upon a finding by a naval retiring board that the disability was incident to the service while on active duty in the higher rank and upon a rating by such board, in accordance with regulations prescribed by the Secretary of the Navy, at not less than 30 per centum permanent disability. In all other cases officers shall be retired in accordance with existing law providing for the retirement of officers.

(f) The jurisdiction of naval retiring boards is hereby extended as may be necessary in the administration of this section, and their proceedings shall be conducted in all respects as provided by existing law and regulations except as may be necessary to adapt the same to cases provided for in this section.

(g) The provisions of this section shall not apply in any case unless the proceedings of the naval retiring board shall be commenced within six months from the termination of the temporary appointment or release from active duty of the individual concerned whichever may occur earlier. (July 24, 1941, ch. 320, § 8, 55 Stat. 604.)

§ 350h. Computation of authorized number of officers in any grade.

Commissioned officers appointed under the authority of section 350a of this title shall not be counted in any computation to determine the authorized number of officers in any grade. Commissioned officers of the Regular Navy and Marine Corps temporarily appointed to higher ranks or grades therein under the authority of section 350b of this title shall be counted only in their permanent ranks or grades in such computation. (July 24, 1941, ch. 320, § 9, 55 Stat. 605.)

§ 350i. Termination of temporary status of personnel; retired pay.

Personnel appointed or advanced under the authority of sections 350–350j of this title may be continued in their temporary status during such period as the President may determine, but not longer than six months after the termination of war or national emergency. Upon the termination of their temporary status such personnel shall, unless otherwise provided herein, revert to their permanent grades, ranks, or ratings, but upon being subsequently retired or in the case of retired officers returned to an inactive status, they shall, on condition that their performance of duty under such temporary appointments has been satisfactory, be placed on the retired list, or advanced thereon as the case may be, with the highest rank held by them while on active duty: *Provided*, That except where specific provision is made otherwise, their retired pay shall be based on the pay of the rank or rating held at the time of retirement: *Provided further*, That nothing in sections 350–350j of this title shall entitle such personnel, when recalled to active duty, to any other rank or rating than that in which they were serving at the time of retirement. (July 24, 1941, ch. 320, § 10, 55 Stat. 605.)

§ 350j. Temporary promotions in Naval Reserve, Marine Corps Reserve, and Coast Guard.

The provisions of sections 350–350j of this title, except as may be necessary to adapt the same thereto shall apply to—

(a) Personnel of the Naval Reserve (except the Fleet Reserve) and the Marine Corps Reserve (except the Fleet Marine Corps Reserve) in like manner and to the same extent and with the same relative conditions in all respects as are provided for personnel of the Regular Navy and Marine Corps, but this shall not be construed to authorize the temporary appointment of the personnel thereof to ranks or grades in the Regular Navy or Marine Corps.

(b) Personnel of the Coast Guard in relationship to the Coast Guard in the same manner and to the same extent as they apply to personnel of the Navy in relationship to the Navy: *Provided*, That tempo-

rary appointments may be made to such rank and grade in the Coast Guard, not above captain, as correspond to the rank and grade that may be attained, either permanently or temporarily, by line officers of the Regular Navy of the same length of total commissioned service. (July 24, 1941, ch. 320, § 11, 55 Stat. 605.)

Chapter 7.—RETIREMENT

ACTIVE DUTY OF RETIRED OFFICERS

Sec.

427. Pay and allowances of retired Navy and Marine Corps officers (New).

GENERAL PROVISIONS AS TO RETIREMENT OF OFFICERS

SUSPENSION OF INVOLUNTARY RETIREMENT OF FITTED DURING EMERGENCY

Act May 6, 1941, ch. 86, § 1, 55 Stat. 160, contained the following provision: "During the existing limited emergency no officer of the Navy or Marine Corps who has been or may be adjudged fitted shall be involuntarily retired."

§ 404. Retirement of promotion-list and non-promotion-list officers.

ADVANCEMENT OF CERTAIN LIEUTENANTS RETIRED FOR PHYSICAL DISABILITY

Act May 15, 1941, ch. 118, 55 Stat. 190, provided: "That those lieutenants of the line of the United States Navy who served in the Navy or Naval Reserve Force prior to November 12, 1918, and who were, between May 29, 1934, and June 23, 1938, while on a promotion list, placed on the retired list for physical disability, shall be advanced on the retired list to the grade for which they were selected for promotion: Provided, That such advancement shall be effective on the date of approval of this Act."

ACTIVE DUTY OF RETIRED OFFICERS

§ 427. Pay and allowances of retired Navy and Marine Corps officers.

All commissioned officers of the Navy and Marine Corps on the retired list shall, when on active duty, receive full pay and allowances of the rank or grade in which they serve on such active duty: *Provided*, That this Act shall not operate to reduce the pay and allowances of such retired officers while on active duty. (Dec. 15, 1941, ch. 573, 55 Stat. 800.)

Chapter 8.—DETAIL OF OFFICERS AND ENLISTED MEN

§ 448a. Detail of officers for foreign service of Department of State.

REPEATED.—Act June 28, 1941, ch. 258, title I, 55 Stat. 277.

§ 448b. Detail of enlisted men to Department of State as custodians of foreign buildings.

REPEATED.—Act June 28, 1941, ch. 258, title I, 55 Stat. 269.

§ 450a. Detail of enlisted men to duty in officers' quarters ashore.

One hundred enlisted men may be detailed to duty in officers' quarters on shore. (As amended Mar. 17, 1941, ch. 16, title II, 55 Stat. 35.)

AMENDMENTS

1941—Act Mar. 17, 1941, cited to text, increased number of enlisted men from forty-four to one hundred.

Chapter 9.—VESSELS

CONSTRUCTION AND REPAIR

Sec

487 Alterations to naval vessels to improve antiaircraft defenses (New).

DISPOSAL OF VESSELS

493b Use of vessels stricken from register for experimental purposes (New).

COMPOSITION OF NAVY UNDER AND AFTER TREATIES

498-3 Same; additional increase of December 23, 1941 (New).

498a-3. Same; increase under section 498-3 (New).

498c-4. Same; additional auxiliary vessels for national defense (New).

498c-5. Same; vessels for local defense (New).

CONSTRUCTION AND REPAIR

§ 487. Alterations to naval vessels to improve antiaircraft defenses.

For the purpose of improving antiaircraft defenses of combatant and auxiliary vessels of the United States, alterations to such vessels are hereby authorized, and expenditures therefor shall not be limited by the provisions of section 486 of this title, but the total cost of such alterations shall not exceed \$300,000,000. (Jan. 29, 1941, ch. 1, 55 Stat. 3.)

DISPOSAL OF VESSELS

§ 493b. Use of vessels stricken from register for experimental purposes.

The Secretary of the Navy, with the approval of the President is hereby authorized to use for experimental purposes vessels of the United States Navy stricken from the Navy Register pursuant to section 491 of this title: *Provided*, That the Secretary of the Navy shall first determine that the interests of the Government would be best served thereby: *Provided further*, That the Secretary of the Navy shall make an annual report to the Congress of all vessels disposed of under the provisions of this section. (June 24, 1941, ch. 231, 55 Stat. 260.)

COMPOSITION OF NAVY UNDER AND AFTER TREATIES

§ 498-3. Same; additional increase of December 23, 1941.

The authorized composition of the United States Navy in under-age vessels, as established by sections 482b, 493a, 495a, 498, 498-1, 498-2, 498a, 498a-1, 498a-2, 498c, 498c-2, 498c-3, 498e, 498f, 498f-1, 498f-2, 498g, 498g-1, 498h-498k, 498l, 601, 749b, 749c, and 749d of this title, is hereby further increased by 150,000 tons of combatant ships. (Dec. 23, 1941, ch. 619, § 1, 55 Stat. 853.)

APPROPRIATIONS

Section 3 of act Dec. 23, 1941, cited to text, authorized appropriation of money to effectuate purpose of this section.

§ 498a-3. Same; increase under section 498-3.

The President of the United States is hereby authorized to provide the total under-age composition authorized in section 498-3 of this title, including replacements thereof as authorized by sections 494, 495, 496, 497 of this title, by undertaking the construction of combatant ships of such types and ton-

nages as he determines to be necessary for the successful prosecution of the war. (Dec. 23, 1941, ch. 619, § 2, 55 Stat. 853.)

APPROPRIATIONS

Section 3 of act Dec. 23, 1941, cited to text, authorized appropriation of money to effectuate purpose of this section.

§ 498c-2. Same; patrol, escort, and miscellaneous craft and additional auxiliary vessels for national defense.

ADDITIONAL SMALL CRAFT

Act Jan. 31, 1941, ch. 4, § 2, 55 Stat. 5, authorized the Secretary of Navy to construct not to exceed 400 small craft for patrol, local defense, escort, salvage, and towing services in addition to all such craft previously authorized and appropriated for.

§ 498c-4. Same; additional auxiliary vessels for national defense.

The President of the United States is hereby authorized to acquire or convert or to undertake the construction of one million three hundred and fifty thousand tons of auxiliary vessels of such size, type, and design as he may consider best suited for the purposes of national defense, such vessels to be in addition to those heretofore authorized. (May 24, 1941, ch. 131, § 1, 55 Stat. 197, as amended Dec. 17, 1941, ch. 591, title II, § 201, 55 Stat. 816.)

AMENDMENTS

1941—Act Dec. 17, 1941, cited to text, substituted "one million three hundred and fifty thousand tons" for "five hundred and fifty thousand tons".

APPROPRIATIONS

Section 2 of act May 24, 1941, cited to text provided: "Sec. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to effectuate the purposes of this Act."

§ 498c-5. Same; vessels for local defense.

The Secretary of the Navy, with the approval of the President, is hereby authorized to undertake the construction of or to acquire and convert not to exceed eight hundred miscellaneous light-draft vessels and small craft of such sizes, types, and designs, suitable for local defense use as patrol vessels, minesweepers, and the like, as he may consider best suited for the purposes of national defense, such vessels to be in addition to those heretofore authorized. (Nov. 21, 1941, ch. 592, § 1, 55 Stat. 782, as amended Dec. 17, 1941, ch. 591, title II, § 201, 55 Stat. 816.)

AMENDMENTS

1941—Act Dec. 17, 1941, cited to text, substituted "eight hundred" for "four hundred".

APPROPRIATIONS

Section 2 of act Nov. 21, 1941, as amended by act Dec. 17, 1941, both cited to text, provided as follows: "Sec. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to effectuate the purposes of this Act."

Section 201 of act Dec. 17, 1941, cited to text, made available appropriations to cover authorized increase in number of small vessels constructed, acquired, etc., under this section.

Chapter 10.—NAVY YARDS AND NAVAL STATIONS

CROSS REFERENCES

Prostitution near naval establishments unlawful, see section 518a of Title 18, Criminal Code and Criminal Procedure.

Chapter 11.—NAVAL PROPERTY, STORES, SUPPLIES, AND CONTRACTS

GENERAL PROVISIONS AS TO ACQUISITION, USE, AND DISPOSITION

Sec

- 532a Exchange of certain equipment in part payment of new equipment of similar character (New).
- 554 Sale of materials, supplies, and equipment to the Commonwealth of the Philippine Islands (New).
- 555. Same; contract clause against disposal of materials, etc. (New)

GENERAL PROVISIONS AS TO ACQUISITION, USE, AND DISPOSITION

§ 520. Prerequisites to expenditure of public money on site purchased for navy yard or buildings; acquisition by United States of jurisdiction over lands.

CROSS REFERENCES

Exception in case of strategic network of highways, see section 114 of Title 23, Highways.

§ 532a. Exchange of certain equipment in part payment of new equipment of similar character.

The Secretary of the Navy, insofar as Navy property is concerned, and the Secretary of the Treasury, insofar as Coast Guard property is concerned, are respectively authorized to exchange motor-propelled vehicles, airplanes, engines, and parts thereof, and obsolete, unsuitable, and unserviceable machines and tools, and parts thereof, in part payment for new equipment of the same or similar character as those proposed to be exchanged. (June 6, 1941, ch. 177, 55 Stat. 247.)

CROSS REFERENCES

Section is also set out as section 31b of Title 14, Coast Guard

§ 549. Issue of articles required for instruction and practice by organizations formed by Red Cross.

CROSS REFERENCES

Provisions similar to those contained in this section are set out in section 1255 of Title 10, Army.

§ 554. Sale of materials, supplies, and equipment to the Commonwealth of the Philippine Islands.

The Secretary of the Navy is authorized, in his discretion, to sell to the Commonwealth of the Philippine Islands such materials, supplies, and equipment and to repair or assist with the design of vessels, armament, or equipment for said Commonwealth as the Naval Establishment may be in a position to do at prices to be specified by said Secretary, the prices of the work performed, and of new materials, supplies, and equipment, to be not less than the cost to the Government: *Provided*, That the amounts received in payment for work performed, or for new materials, supplies, or equipment sold, shall be credited to appropriations or funds as may be authorized by other law, or if not so authorized, so as to be available to replace the materials, supplies, or equipment, unless the said Secretary determines that such replacement is not necessary, in which case the amounts shall be covered into the Treasury as miscellaneous receipts: *Provided further*, That the amounts received in payment for obsolete or surplus materials, supplies, or equipment sold, less the costs to the Government occasioned by such sales,

shall be covered into the Treasury as miscellaneous receipts. (June 6, 1941, ch. 176, § 1, 55 Stat. 246.)

TERMINATION OF AUTHORITY

Section 3 of act June 6, 1941, cited to text, provided that authority granted under sections 554 and 555 of this title should terminate upon the final granting of independence to the Commonwealth of the Philippine Islands

§ 555. Same; contract clause against disposal of materials, etc.

All contracts or agreements made by the Secretary of the Navy for the sale of the materials, supplies, or equipment authorized by section 554 and this section shall contain a clause by which the Commonwealth of the Philippine Islands undertakes not to dispose of such materials, supplies, or equipment, or of any plans, specifications, or information pertaining thereto, by gift, sale, or any mode of transfer in such manner that they become a part of the armament of, or available to, any state other than the said Commonwealth. (June 6, 1941, ch. 176, § 2, 55 Stat. 246.)

TERMINATION OF AUTHORITY

Section 3 of act June 6, 1941, cited to text, provided that authority granted under sections 554 and 555 of this title should terminate upon the final granting of independence to the Commonwealth of the Philippine Islands.

CONTRACTS FOR NAVAL SUPPLIES

§ 586a. Fuel for Navy as chargeable against specific appropriation.

REPEATED—Act May 6, 1941, ch. 86, 53 Stat. 161.

Chapter 12.—MISCELLANEOUS PROVISIONS RELATING TO THE NAVY

§ 600. Claims for damages not occasioned by vessels.

CROSS REFERENCES

Settlement of claims arising from actions of United States armed forces in foreign countries, see section 224d of Title 31, Money and Finance, and note thereunder.

Chapter 13.—THE MARINE CORPS

ENLISTED FORCE

Sec.

692a. Shipping articles to contain substance of section 692 (New).

PROMOTIONS AND ADVANCEMENTS

CROSS REFERENCES

Temporary promotions of certain personnel of Marine Corps in time of war or national emergency, see sections 350-350j of this title.

RETIREMENT

§ 685a. Retirement; rank; pay.

CODIFICATION

Same provisions as those of this section also constitute section 425a of Title 5, Executive Departments and Government Officers and Employees.

CROSS REFERENCES

Pay and allowances of retired officers on active duty, see section 427 of this title.

ENLISTED FORCE

§ 691. Authorized enlisted strength of active list.

Hereafter the authorized enlisted strength of the active list of the Marine Corps shall be 20 per centum of the authorized enlisted strength of the Navy. (As amended June 23, 1938, ch. 598, § 15 (d), 52 Stat. 952; Apr. 22, 1941, ch. 74, § 4, 55 Stat. 145.)

§ 692. Term of enlistment; discharge of minors; extension of term during war or emergency and discharge thereafter.

Hereafter enlistments in the Navy and Marine Corps may be for minority or terms of two, three, four, or six years, and all laws now applicable to four-year enlistments shall apply, under such regulations as may be prescribed by the Secretary of the Navy, to enlistments for a shorter or longer period with proportionate benefits upon discharge and reenlistment: *Provided*, That upon the presentation of satisfactory evidence as to his age and upon application for discharge by his parent or guardian presented to the Secretary of the Navy within ninety days after the date of his enlistment, any man enlisted in the naval service, including the Marine Corps, under twenty-one years of age, who was enlisted without the written consent of his parent or guardian, if any, shall be discharged for his own convenience: *Provided further*, That all enlistments hereafter entered into may be extended by the Secretary of the Navy for such additional time as he may deem necessary in the public interest in time of war, or national emergency declared by the President, to exist: *Provided further*, That all men whose terms of enlistment are extended in accordance with the provisions of sections 181, 181a, 201a, 692, 692a of this title, section 35a of Title 14, and section 16a of Title 37 shall continue during such extensions to be subject in all respects to the laws and regulations for the government of the Navy: *And provided further*, That men detained in service in accordance with sections 181, 181a, 201a, 692, 692a of this title, section 35a of Title 14, and section 16a of Title 37 shall, unless they voluntarily extend their enlistments, be discharged not later than six months after the date of the termination of the war or national emergency. (As amended Aug. 18, 1941, ch. 364, § 1, 55 Stat. 629.)

CROSS REFERENCES

Provisions similar to those contained in this section are set out in section 181 of this title.

Extension of enlistments, see section 184 et seq. of this title.

§ 692a. Shipping articles to contain substance of section 692.

Hereafter the shipping articles shall contain the substance of section 692 of this title. (Aug. 18, 1941, ch. 364, § 5, 55 Stat. 630.)

CROSS REFERENCES

Provisions similar to those contained in this section are set out in section 181a of this title.

Chapter 15.—RESERVE FORCES AND NAVAL MILITIA

SUBCHAPTER IV.—AVIATION CADETS AND STUDENT AVIATION PILOTS IN NAVAL AND MARINE CORPS RESERVE

Sec.

841a. Student aviation pilots; designation; term of service on active duty (New).

841b. Same; pay (New).

841c. Same; commission if qualified (New).

841d. Same; discharge or release from active duty (New).

841e. Same; uniforms and equipment (New).

841f. Same; Government life insurance (New).

841g. Application of sections 841a-841g to enlisted members of Coast Guard Reserve (New).

SUBCHAPTER VIII.—PROVISIONS APPLICABLE ONLY TO THE ORGANIZED RESERVE, MERCHANT MARINE RESERVE, AND VOLUNTEER RESERVE

Sec

855c-2. Same; benefits to include death allowance to widow, child, or dependent relative (New).

FORMER CHAPTER 15A

Former Chapter 15A has been incorporated into this chapter as sections 853 et seq. of this title.

SUBCHAPTER IV.—AVIATION CADETS AND STUDENT AVIATION PILOTS IN NAVAL AND MARINE CORPS RESERVE

§ 841a. Student aviation pilots; designation; term of service on active duty.

Each enlisted man of the Naval Reserve or the Marine Corps Reserve who is designated, under regulations prescribed by the Secretary of the Navy, as a student aviation pilot, and who commences flight training leading to designation as aviation pilot, shall sign an agreement, with the consent of his parent or guardian if he be a minor, to serve for a continuous period of two years on active duty in the Naval Reserve or the Marine Corps Reserve, following successful completion of flight training, unless sooner released: *Provided*, That in time of peace such aviation pilot may, with his own consent, in the discretion of the Secretary of the Navy, serve on active duty for an additional period of not more than two years. (Nov. 5, 1941, ch. 468, § 1, 55 Stat. 759.)

§ 841b. Same; pay.

Enlisted men of the Naval Reserve and the Marine Corps Reserve who are designated, under regulations prescribed by the Secretary of the Navy, as aviation pilots shall, while on active duty, receive the pay of the third grade, or that of their rating, whichever is greater. (Nov. 5, 1941, ch. 468, § 2, 55 Stat. 759.)

§ 841c. Same; commission if qualified.

Aviation pilots of the Naval Reserve or the Marine Corps Reserve may, if qualified under regulations prescribed by the Secretary of the Navy, be commissioned as ensigns in the Naval Reserve or second lieutenants in the Marine Corps Reserve. (Nov. 5, 1941, ch. 468, § 3, 55 Stat. 760.)

§ 841d. Same; discharge or release from active duty.

Any student aviation pilot or aviation pilot designated as such in accordance with sections 841a and 841b of this title may at any time, in the discretion of such administrative authority as the Secretary of the Navy may designate, be discharged or released from active duty. (Nov. 5, 1941, ch. 468, § 4, 55 Stat. 760.)

§ 841e. Same; uniforms and equipment.

Student aviation pilots shall, while undergoing training, be issued necessary uniforms and equipment at Government expense. (Nov. 5, 1941, ch. 468, § 5, 55 Stat. 760.)

§ 841f. Same; Government life insurance.

Enlisted personnel of the Naval Reserve and Marine Corps Reserve, while on active duty undergoing training leading to designation as aviation pilot, and thereafter while on continuous active duty in an enlisted status with designation as aviation pilot, shall be issued Government life insurance in the amount

of \$10,000, under chapter 13 of Title 38, the premiums for which shall be paid from the current appropriations "Pay, subsistence and transportation, Navy", "Naval Reserve", or "Pay, Marine Corps", as may be appropriate. Upon release from active duty or discharge such enlisted personnel, or, upon commissioning pursuant to section 841c of this title, such commissioned officers shall have the option of continuing such insurance at their own expense. (Nov. 5, 1941, ch. 468, § 6, 55 Stat. 760.)

§ 841g. Application of sections 841a-841g to enlisted members of Coast Guard Reserve.

The provisions of sections 841a-841g of this title, except as may be necessary to adapt the same thereto, shall apply to regular enlisted members of the Coast Guard Reserve in relationship to the Coast Guard in the same manner and to the same extent and with the same relative conditions in all respects, including availability of applicable appropriations, as are provided for enlisted men of the Naval Reserve in relationship to the Navy, and the authority conferred upon the Secretary of the Navy in respect to the Navy is similarly conferred upon the Secretary of the Treasury in respect to the Coast Guard. (Nov. 5, 1941, ch. 468, § 7, 55 Stat. 760.)

§ 842. Aviation cadets; grade created; appointment; term of enlistment.

The grade of aviation cadet is hereby created in the Naval Reserve and Marine Corps Reserve. Aviation cadets shall be appointed by the Secretary of the Navy from male citizens of the United States under such regulations as he may prescribe: *Provided*, That each aviation cadet shall sign an agreement, with the consent of his parent or guardian if he be a minor, to serve for a continuous period of not more than four years on active duty, unless sooner released: *Provided further*, That the Secretary of the Navy is authorized to discharge at any time any aviation cadet or to release him from active duty. (As amended June 24, 1941, ch. 233, § 1, 55 Stat. 261.)

AMENDMENTS

1941—Act June 24, 1941, cited to text, inserted words "not more than" before words "four years."

SUBCHAPTER VI.—ORGANIZATION OF NAVAL RESERVE

§ 853c. Active duty in peace and war; release from active duty.

Any member of the Naval Reserve, including those on the honorary retired list created by section 855h of this title, or who may have been retired, may be ordered to active duty by the Secretary of the Navy in time of war or when in the opinion of the President a national emergency exists and may be required to perform active duty throughout the war or until the national emergency ceases to exist; but in time of peace, except as otherwise provided in sections 853-853j, 854-854f, 855-855c, 855d-855s, 856 of this title, he shall be ordered to or continued on active duty with his own consent only: *Provided*, That aviation cadets and officers commissioned pursuant to authority contained in sections 842, 844, 847, 849, 849a-849l, 850, 853c of this title may be required to serve on active duty for a continuous

period of four years or for such periods as they agree to serve under the provisions of section 842 of this title, from date of appointment as aviation cadet. *Provided further*, That the Secretary of the Navy may release any member from active duty either in time of war or in time of peace. (As amended June 24, 1941, ch. 233, § 2, 55 Stat. 261.)

AMENDMENTS

1941—Act June 24, 1941, cited to text, amended first proviso.

SUBCHAPTER VII.—FLEET RESERVE

§ 854c. Transfer of Regular Navy men with twenty years' service; retirement; pay and allowances.

CROSS REFERENCES

Retainer pay or retired pay of enlisted men transferred to the Fleet Reserve prior to October 1, 1940, see section 17a of Title 37, Pay and Allowances.

SUBCHAPTER VIII.—PROVISIONS APPLICABLE ONLY TO THE ORGANIZED RESERVE, MERCHANT MARINE RESERVE, AND VOLUNTEER RESERVE

§ 855c-2. Same; benefits to include death allowance to widow, child, or dependent relative.

The benefits provided by section 855c-1 of this title shall include payment of the gratuity authorized by section 943 of this title. (Mar. 17, 1941, ch. 19, § 1, 55 Stat. 43, eff. Aug. 27, 1940.)

§ 855f. Appointment of enlisted men to Naval Academy; number each year.

Hereafter the Secretary of the Navy is authorized to appoint midshipmen to the Naval Academy from enlisted men of the Naval Reserve and Marine Corps Reserve under similar conditions so far as applicable as prescribed by law for appointments from enlisted men of the Navy: *Provided*, That not more than one hundred midshipmen shall be appointed in any one year under the authority contained in this section, except that in the event the quota of midshipmen from the enlisted men of the Regular Navy is not filled in any one year the Secretary of the Navy shall have the authority to fill such vacancies with additional men from the Naval Reserve. (As amended Jan. 30, 1941, ch. 2, § 2, 55 Stat. 3.)

CROSS REFERENCES

Deficiency in quota of appointees under this section to be filled from enlisted men of Regular Navy or Marine Corps, see section 1032a of this title.

Chapter 16.—PAY, EMOLUMENTS, AND ALLOWANCES OF PERSONNEL OF NAVY AND MARINE CORPS

RETIRED PAY

§ 1000. Free tuition in District of Columbia schools for children of officers, men, and other employees.

REPEATED.—Act July 1, 1941, ch. 271, § 1, 55 Stat. 512.

Chapter 18.—NAVAL ACADEMY

NUMBER OF MIDSHIPMEN

Sec.

1032a. Same; additional appointments to fill quota deficiency in appointments from Reserves (New).

1036-1. Same; persons from other American republics (New).

NUMBER OF MIDSHIPMEN

§ 1032. Number of midshipmen exclusive of Naval and Marine Reserve.

There shall be allowed at the United States Naval Academy five midshipmen for each Senator, Representative, Delegate in Congress, and Resident Commissioner from Puerto Rico, and five for the District of Columbia, twenty-five appointed each year at large, and one hundred appointed annually from enlisted men of the Navy. (As amended Jan. 30, 1941, ch. 2, § 2, 55 Stat. 3.)

§ 1032a. Same; additional appointments to fill quota deficiency in appointments from Reserves.

In the event that the quota of midshipmen authorized by section 855f of this title to be appointed from the enlisted men of the Naval Reserve and the Marine Corps Reserve is not filled in any one year the Secretary of the Navy shall have authority to fill such vacancies with enlisted men from the Regular Navy or Marine Corps. (Jan. 30, 1941, ch. 2, § 3, 55 Stat. 4.)

§ 1033a. Number of midshipmen from "honor schools" and Naval Reserve Officers' Training Corps.

The Secretary of the Navy is authorized to appoint not more than twenty midshipmen annually to the Naval Academy from among the honor graduates of educational institutions which are designated as "honor schools" by the War Department in accordance with the provisions of section 1091 of Title 10, or by the Navy Department in accordance with regulations established by the Secretary of the Navy, and from among the members of the Naval Reserve Officers' Training Corps: *Provided*, That such appointments shall be made under such rules and regulations as the Secretary of the Navy may prescribe. (As amended June 6, 1941, ch. 175, 55 Stat. 246.)

AMENDMENTS

1941—Act June 6, 1941, cited to text, inserted after "War Department" the words "in accordance with the provisions of section 1091 of Title 10, or by the Navy Department in accordance with regulations established by the Secretary of the Navy, and from among."

§ 1036-1. Same; persons from other American republics.

The Secretary of the Navy is hereby authorized to permit, upon designation of the President of the United States, not exceeding twenty persons at a time from the American Republics (other than the United States) to receive instruction at the United States Naval Academy at Annapolis, Maryland. Not more than three persons from any of such Republics shall receive instruction under authority of this section at the same time. The persons receiving instruction under authority of this section shall receive the same pay, allowances, and emoluments, to be paid from the same appropriations, and, subject to such exceptions as may be determined by the Secretary of the Navy, shall be subject to the same rules and regulations governing admission, attendance, discipline, resignation, discharge, dismissal, and graduation, as midshipmen at the Naval Academy appointed from the United States; but such persons shall not be entitled to appointment to any office or

position in the United States Navy by reason of their graduation from the Naval Academy. (July 14, 1941, ch. 292, 55 Stat. 589.)

PAY AND ALLOWANCES; STUDIES; GRADUATION

§ 1054. Length of course.

TEMPORARY THREE-YEAR COURSE

Act June 3, 1941, ch. 162, 55 Stat. 238, provided: "That the President be, and he is hereby, authorized to reduce, in his discretion, until August 1, 1945, the course of instruction at the United States Naval Academy from four to three years and to graduate classes which have completed such reduced courses of instruction."

Chapter 19.—NAUTICAL INSTRUCTION IN EDUCATIONAL INSTITUTIONS

Sec.

- 1123a. Maritime Commission to repair, equip, and furnish vessels (New).
- 1123b. Construction by Maritime Commission of replacement vessels for nautical schools (New).
- 1123c. Prerequisites to receipt of Federal aid by schools (New).
- 1123d. Rules and regulations by Maritime Commission (New).
- 1123e. Extension of benefits under sections 1123a-1123d to State nautical schools (New).

§ 1121. Vessels for nautical schools at certain points; area of ports of Norfolk and San Francisco.

* * * *

The port of San Francisco specified in the first paragraph of this section shall be construed as embracing, in addition to the city of San Francisco, any city, town, municipality, or other locality on the San Francisco Bay or the San Pablo Bay or waters tributary thereto. (As amended June 6, 1941, ch. 188, 55 Stat. 247.)

AMENDMENTS

1941—Act June 6, 1941, cited to text, delimited area of port of San Francisco.

§ 1122. Appropriations for nautical schools.

A sum not exceeding the amount annually appropriated by any State or municipality for the purpose of maintaining such a marine school or schools or the nautical branch thereof is authorized to be appropriated for the purpose of aiding in the maintenance and support of such school or schools: *Provided, however*, That appropriations shall be made for one school in any port heretofore named in section 1121 of this title and that the appropriation for any one year shall not exceed \$50,000 for any one school. (As amended July 29, 1941, ch. 327, § 3, 55 Stat. 607.)

§ 1123a. Maritime Commission to repair, equip, and furnish vessels.

In the administration of sections 1121-1123 of this title, as amended, the United States Maritime Commission may repair or recondition, equip, and furnish to any State maintaining a marine school or a nautical branch under said sections, a suitable vessel owned or acquired by the Commission or otherwise available for disposition hereunder. Any department or agency of the United States is hereby

authorized, notwithstanding any other provision of law, to supply to the Commission for disposition hereunder any suitable vessel which can be spared without detriment to the service to which such vessel has been assigned. All vessels furnished to States for the use of such schools shall be and remain the property of the United States, and shall be maintained in good repair by the Commission. (July 29, 1941, ch. 327, § 1, 55 Stat. 607.)

§ 1123b. Construction by Maritime Commission of replacement vessels for nautical schools.

The Maritime Commission is authorized, from any moneys hereafter appropriated or made available to the Commission, to provide for the construction, by contract or otherwise, in accordance with plans and specifications prepared by the Commission and approved by the Secretary of the Navy, of suitable vessels with modern equipment and instruments to replace vessels otherwise furnished to States which are maintaining schools under sections 1121-1123 of this title. (July 29, 1941, ch. 327, § 2, 55 Stat. 607.)

§ 1123c. Prerequisites to receipt of Federal aid by schools.

Each marine school or nautical branch thereof, as a condition to receiving any portion of the monetary aid authorized by section 1122 of this title, or the use of any vessel authorized by sections 1123a-1123e of this title, shall under appropriate authority agree to conform to such minimum standards in regard to students' entrance requirements, the staff of instructors, and courses of and facilities for training, as the Maritime Commission shall approve. Each marine school or nautical branch thereof, as a condition to receiving any portion of such monetary aid in excess of \$25,000, shall under appropriate authority agree to admit to such school students resident in other States upon such terms and in such numbers as the Commission shall prescribe: *Provided*, That the per capita cost of students designated by the Maritime Commission for admission to such school shall be paid from the Federal funds authorized in section 1122 of this title and that the total number of such students shall not exceed one-third of the student capacity of such school. (July 29, 1941, ch. 327, § 3, 55 Stat. 607.)

§ 1123d. Rules and regulations by Maritime Commission.

The Maritime Commission is authorized to prescribe such rules and regulations as may be necessary or appropriate in the administration of sections 1123a-1123e and sections 1121-1123 of this title, as amended. (July 29, 1941, ch. 327, § 4, 55 Stat. 607.)

§ 1123e. Extension of benefits under sections 1123a-1123e to State nautical schools.

The Maritime Commission is authorized to extend the benefits of sections 1123a-1123e to a State nautical school, established and maintained by any State in accordance with the applicable provisions of sections 1121-1123 of this title, as amended, at such port as may be designated by the State. (July 29, 1941, ch. 327, § 5, 55 Stat. 607.)

Chapter 20.—PRIZE

§ 1131. Application of provisions of chapter.

The provisions of this chapter shall apply to all captures of vessels, including aircraft, made as prize by authority of the United States or adopted and ratified by the President of the United States; *Provided*, That the terms "vessel" and "ship" as used in this chapter shall include aircraft, and that the term "master" as used in this chapter shall include the pilot or other person in command of such aircraft: *Provided further*, That nothing herein contained shall be construed as affecting, or in any way impairing, the legal right of the Army of the United States or any component part thereof, while engaged in hostilities, to capture any enemy property or neutral property used or transported in violation

of the obligations of neutrals under international law, wherever found, and without prize procedure. (As amended June 24, 1941, ch. 232, 55 Stat. 261.)

AMENDMENTS

1941—Act June 24, 1941, cited to text, extended application to aircraft and added two provisos.

§ 1132. "Vessels of the Navy" defined.

The term "vessels of the Navy" as used in this chapter shall include all armed vessels, including aircraft, officered and manned by the United States and under the control of the Department of the Navy. (As amended June 24, 1941, ch. 232, 55 Stat. 261.)

AMENDMENTS

1941—Act June 24, 1941, cited to text, extended application to aircraft.

TITLE 35.—PATENTS

Chapter 1.—PATENT OFFICE

§ 16. Multigraphing headings of drawings for patented cases.

REPEATED —Act June 28, 1941, ch. 258, title II, 55 Stat. 286.

Chapter 2.—PATENTS

GENERAL PROVISIONS GOVERNING APPLICATION FOR AND ISSUE OF PATENTS

Sec.

42a. Same; filing application in foreign country (New).

42b. Same; persons debarred from United States patent for failure to comply with section 42a; invalidity of patent (New).

42c. Same, penalties and forfeitures for disclosure without authorization (New).

42d. Separability clause (New).

42e. Same; definitions covering sections 42–42f (New)

42f. Same; persons exempt from provisions of sections 42–42f (New).

INVENTIONS PATENTABLE

§§ 31, 32.

CROSS REFERENCES

Persons debarred from United States patents, see section 42b of this title.

GENERAL PROVISIONS GOVERNING APPLICATION FOR AND ISSUE OF PATENTS

§ 42. Same; publication detrimental to public safety or defense; compensation for use of invention tendered to United States.

CROSS REFERENCES

Penalties and forfeitures for disclosure without authorization, see section 42c of this title.

§ 42a. Same; filing application in foreign country.

No person shall file or cause or authorize to be filed in any foreign country an application for patent or for the registration of a utility model, industrial design, or model in respect of any invention made in the United States, except when authorized in each case by a license obtained from the Commissioner of Patents under such rules and regulations as he shall prescribe. (July 1, 1940, ch. 501, § 3, as added Aug. 21, 1941, ch. 393, § 1, 55 Stat. 657.)

EFFECTIVE DATE

Section 2 of act of Aug. 21, 1941, cited to text, became effective thirty days after approval.

§ 42b. Same; persons debarred from United States patent for failure to comply with section 42a; invalidity of patent.

Notwithstanding the provisions of sections 31 and 32 of this title, any person and the successors, assigns, or legal representatives of any such person shall be debarred from receiving a United States patent for an invention if such person, or such successors, assigns, or legal representatives shall, without procuring the authorization prescribed in section 42a of this title, have made or consented to or as-

sisted another's making application in a foreign country for a patent or for the registration of a utility model, industrial design, or model in respect of such invention where authorization for such application is required by the provisions of section 42a of this title, and any such United States patent actually issued to any such person, successors, assigns, or legal representatives so debarred or becoming debarred shall be invalid. (July 1, 1940, ch. 501, § 4, as added Aug. 21, 1941, ch. 393, § 1, 55 Stat. 657.)

EFFECTIVE DATE

For effective date, see note under section 42a of this title.

§ 42c. Same; penalties and forfeitures for disclosure without authorization.

Whoever, during the period or periods of time an invention has been ordered to be kept secret and the grant of a patent thereon withheld pursuant to section 42 of this title, shall, with knowledge of such order and without due authorization, willfully publish or disclose or authorize or cause to be published or disclosed such invention, or any material information with respect thereto, or whoever, in violation of the provisions of section 42a of this title, shall file or cause or authorize to be filed in any foreign country an application for patent or for the registration of a utility model, industrial design, or model in respect of any invention made in the United States, shall, upon conviction, be fined not more than \$10,000 or imprisoned for not more than two years, or both. (July 1, 1940, ch. 501, § 5, as added Aug. 21, 1941, ch. 393, § 1, 55 Stat. 657.)

EFFECTIVE DATE

For effective date, see note under section 42a of this title.

§ 42d. Separability clause.

If any provision of sections 42–42f of this title or the application of such provision to any person or circumstances shall be held invalid, the remainder of said sections and application of such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby. (July 1, 1940, ch. 501, § 6, as added Aug. 21, 1941, ch. 393, § 1, 55 Stat. 657.)

EFFECTIVE DATE

For effective date, see note under section 42a of this title.

§ 42e. Same; definitions covering sections 42–42f.

As used in sections 42–42f of this title—

The term “person” includes any individual, trustee, corporation, partnership, association, firm, or any other combination of individuals.

The term “application” includes applications, and any modifications, amendments, or supplements

thereto or continuances thereof. (July 1, 1940, ch. 501, § 7, as added Aug. 21, 1941, ch. 393, § 1, 55 Stat. 658.)

EFFECTIVE DATE

For effective date, see note under section 42a of this title.

§ 42f. Same; persons exempt from provisions of sections 42–42f.

The prohibitions and penalties of sections 42–42f of this title shall not apply to any officer or agent of the United States acting within the scope of his authority. (July 1, 1940, ch. 501, § 8, as added Aug. 21, 1941, ch. 393, § 1, 55 Stat. 658.)

EFFECTIVE DATE

For effective date, see note under section 42a of this title.

§ 47. Assignments of patents and applications; evidence of execution.

Every application for patent or patent or any interest therein shall be assignable in law by an instrument in writing, and the applicant or patentee or his assigns or legal representatives may in like manner grant and convey an exclusive right under

his application for patent or patent to the whole or any specified part of the United States. An assignment, grant, or conveyance shall be void as against any subsequent purchaser or mortgagee for a valuable consideration, without notice unless it is recorded in the Patent Office within three months from the date thereof or prior to such subsequent purchase or mortgage.

If any such assignment, grant, or conveyance of any application for patent or patent shall be acknowledged before any notary public of the several States or Territories or the District of Columbia, or any commissioner of any court of the United States for any district or Territory, or before any secretary of legation or consular officer authorized to administer oaths or perform notarial acts under section 131 of Title 22 the certificate of such acknowledgment, under the hand and official seal of such notary or other officer, shall be prima facie evidence of the execution of such assignment, grant, or conveyance. (As amended Aug. 18, 1941, ch. 370, 55 Stat. 634.)

AMENDMENTS

1941—Act Aug. 18, 1941, cited to text, extended provisions of section to include applications for patent.

TITLE 36.—PATRIOTIC SOCIETIES AND OBSERVANCES

Chapter 8.—AMERICAN BATTLE MONUMENTS COMMISSION

Chapter 9.—NATIONAL OBSERVANCES

CROSS REFERENCES

§§ 121a, 122, 135.

REPEATED —Act Apr. 5, 1941, ch. 40, § 1, 55 Stat. 95.

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Legal holidays, see section 86a et seq. of Title 5, Executive Departments and Government Officers and Employees.

TITLE 37.—PAY AND ALLOWANCES (ARMY, NAVY, MARINE CORPS, COAST GUARD, COAST AND GEODETIC SURVEY, AND PUBLIC HEALTH SERVICE)

Sec

- 16a Enlistment allowances during war or national emergency for enlisted men of the Marine Corps, Navy, and Coast Guard (New).
- 17a Retainer pay or retired pay of enlisted men transferred to the Fleet Reserve prior to October 1, 1940 (New).
- 29b Increase of pay of officers, warrant officers, and enlisted men engaged on parachute duty (New).

§ 2. Pay of certain officers during existence of state of war.

CROSS REFERENCES

Application to temporary appointments during national emergency, see section 350b of Title 34, Navy.

§ 13. Base pay of warrant officers and enlisted men of Army and Marine Corps; increase for service; reenlistment allowances; retired pay of enlisted men.

CROSS REFERENCES

Enlistment allowance during war or national emergency for enlisted men of Marine Corps, see section 16a of this title.

§ 16a. Enlistment allowances during war or national emergency for enlisted men of the Marine Corps, Navy, and Coast Guard.

During war, or a national emergency declared by the President to exist, an enlistment allowance, equal in amount to that provided for enlisted men of the Marine Corps by section 13 of this title, and by section 16 of this title for enlisted men of the Navy and Coast Guard, and to be in addition to the enlistment allowance so provided, shall be paid to every honorably discharged enlisted man of the Navy, Marine Corps, and Coast Guard who reenlists, within twenty-four hours after such discharge, on board the ship or at the station, Marine barracks, or other naval, Marine Corps, or Coast Guard activity from which he was last discharged. (Aug. 18, 1941, ch. 364, § 2, 55 Stat. 629.)

§ 17a. Retainer pay or retired pay of enlisted men transferred to the Fleet Reserve prior to October 1, 1940.

Enlisted men of the Navy and Marine Corps who were transferred to the Fleet Reserve prior to October 1, 1940, after completion of sixteen or twenty years of service, and all such transferred members of the Fleet Reserve who were subsequently retired prior to October 1, 1940, shall, from and after October 1, 1940, be entitled to retainer pay or retired pay computed on the basis of the increased rates of base pay and longevity pay provided for enlisted men by section 312 of Appendix of Title 50: *Provided*, That nothing in this Act shall operate to reduce the pay now being received by any such enlisted men. (Aug. 21, 1941, ch. 390, 55 Stat. 656.)

§ 19. Money allowances to warrant officers and enlisted men for subsistence and rental of quarters; subsistence for pilots; commutation of rations of enlisted men.

Warrant officers of the Army, including those of the Army Mine Planter Service, of the Navy, Marine Corps, and Coast Guard, shall be entitled at all times to the same money allowance for subsistence as is authorized in section 9 of this title for officers receiving the pay of the first period, and to the same money allowance for rental of quarters as is authorized in section 10 of this title for officers receiving the pay of the first period. To each enlisted man not furnished quarters or rations in kind there shall be granted, under such regulations as the President may prescribe, an allowance for quarters and subsistence, the value of which shall depend on the conditions under which the duty of the man is being performed, and shall not exceed \$4 per day. These regulations shall be uniform for all the services mentioned in the first paragraph of section 1 of this title. Subsistence for pilots shall be paid in accordance with existing regulations, and rations for enlisted men may be commuted as authorized by law on June 10, 1922: *Provided*, That payments of allowance for quarters and subsistence may be made in advance to enlisted men under such regulations as the President may prescribe. (As amended Nov. 21, 1941, ch. 498, 55 Stat. 781.)

AMENDMENTS

1941—Act Nov. 21, 1941, cited to text, added proviso.

§ 26. Retired pay; officers and warrant officers; no promotion of retired officers for active duty; pay and allowances of retired officers, warrant officers, and enlisted men when on active duty.

On and after July 1, 1922, retired officers and warrant officers shall have their retired pay, or equivalent pay, computed as on July 1, 1922, authorized by law on the basis of pay provided in sections 1-3, 4, 5-8, 9, 10, 11-13, 14, 15-21, 22-26, 27-29, 30 and 31 of this title which pay shall include increases for all active duty performed since retirement in the computation of their longevity pay and pay periods: *Provided*, That nothing contained in said sections shall operate to reduce the pay authorized on July 1, 1922, of officers, warrant officers, and enlisted men on the retired list on July 1, 1922, or officers or warrant officers in an equivalent status of any of the services mentioned in the first paragraph of section 1 of this title: *Provided*, That the pay saved to an officer by section 25 of this title or by section 902 of Title 10 shall be construed as the pay provided in this title for the purpose of computing retired pay. Active duty performed after June 30, 1922, by an officer on the retired list or its equivalent shall

not entitle such officer to promotion: *Provided*, That officers and former officers of the Philippine Scouts who were placed on the retired list prior to June 4, 1920, shall be entitled to promotion on the retired list for active duty performed prior to July 1, 1922, subsequent to retirement, in accordance with the provisions of section 1011 of Title 10, and to the same pay and benefits received by other officers of the Army of like grade and length of service, on the retired list. Retired officers of the Army, Navy, Marine Corps, Coast Guard, and Coast and Geodetic Survey and retired warrant officers, nurses, and enlisted men of those services, shall, when on active duty, receive full pay and allowances, and when on active-duty status, shall have the same pay and allowance rights while on leave of absence or sick as officers on the active list, and if death occurs when on active-duty status, while on leave of absence or sick, their dependents shall not thereby be deprived of the benefits provided in section 903 of Title 10, and section 943 of Title 34: *Provided*, That no back pay or allowances shall accrue by reason of the passage of this section. That in the computation of the retired pay of officers heretofore or hereafter retired with pay at the rate of $2\frac{1}{2}$ or 3 per centum of the active-duty pay received by them at the time of retirement multiplied by the number of years of service for which entitled to credit in the computation of their pay on the active list, not to exceed a total of 75 per centum of said active-duty pay, active duty performed by such retired officers subsequent to the date of their retirement shall be counted for the purpose of computing percentage increases in their retired pay. These increases shall be at the rate of $2\frac{1}{2}$ or 3 per centum for each year of active duty and a fractional year of six months or more shall be considered a full year in computing the number of years: *Provided further*, That the increased retired pay of such retired officers shall in no case exceed 75 per centum of the active-duty pay as

authorized by existing law: *Provided further*, That no back pay or allowances shall accrue by reason of the passage of this section. (As amended June 25, 1941, ch. 252, §§ 1, 2, 55 Stat. 263.)

AMENDMENTS

1941—Act June 25, 1941, cited to text, affected sentence beginning "Retired officers of the Army" by omitting words "below the grade of brigadier general or commodore" and inserting after "warrant officers" the word "nurses;" and it also added last part of section beginning "In the computation of the retired pay"

BACK PAY OR ALLOWANCES

In the two provisos prohibiting the accrual of back pay or allowances, the word "section" originally read "Act", purporting to mean act June 10, 1922, cited to text. The first of these provisos was added to the section by act May 26, 1928, cited to text; and the second such proviso was added by act June 25, 1941, also cited

CROSS REFERENCES

Pay and allowances of retired Navy and Marine Corps officers on active duty, see section 427 of Title 34, Navy

§ 29b. Increase of pay of officers, warrant officers, and enlisted men engaged on parachute duty.

After June 3, 1941, any officer, warrant officer, or enlisted man of the Army, Navy, or Marine Corps of the United States not in flying-pay status who is assigned or attached as a member of a parachute unit, including parachute-jumping schools, and for whom parachute jumping is an essential part of his military duty and who, under such regulations as may be prescribed by the Secretary of War or the Secretary of the Navy, has received a rating as a parachutist or is undergoing training for such a rating shall receive, while engaged upon duty designated by the head of the department concerned as parachute duty, additional pay at the rate of \$100 per month in the case of any such officer or warrant officer, and additional pay at the rate of \$50 per month in the case of any such enlisted man. (June 3, 1941, ch. 166, 55 Stat. 240.)

TITLE 38.—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter 1.—ADMINISTRATION OF VETERANS' AFFAIRS

Sec

12. Administration of provisions of section 457 of Title 10 (New).

§§ 11a-1, 11-3.

REPEATED—Act Apr 5, 1941, ch. 40, § 1, 55 Stat. 120.

§ 12. Administration of provisions of section 457 of Title 10.

The duties, powers, and functions incident to the administration and payment of the benefits provided in section 457 of Title 10 are hereby vested in the Veterans' Administration: *Provided*, That in the administration of the retirement pay provisions of the said statute the determination of all questions of eligibility for the benefits thereof, including all questions of law and fact relating to such eligibility, shall be made by the Secretary of War, or by someone designated by him in the War Department, in the manner, and in accordance with the standards, provided by law or regulations for Regular Army personnel: *And provided further*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this section. (Sept. 26, 1941, ch. 425, § 2, 55 Stat. 734.)

Chapter 1A.—DISPOSITION OF DECEASED VETERANS' PERSONAL PROPERTY

SUBCHAPTER II.—DEATH WHILE INMATE OF VETERANS' ADMINISTRATION FACILITY (NEW)

Sec

17. Vesting of undisposed personalty in United States as trustee for General Post Fund.

17a. Presumption from death in facility of contract for disposition of property.

17b. Sale or destruction of property; deposit of receipts in Fund.

17c. Disbursements from Fund; payment of creditors.

17d. Disposition of remainder of assets; acquisition of assets by Administrator of Veterans' Affairs.

17e. Proceedings to obtain assets by Administrator of Veterans' Affairs.

17f. Claims of right to decedents' property; filing; limitation of time; determination; payment.

17g. Notice to veterans of law.

17h. Investments of surplus moneys.

17i. Effect on other laws.

17j. Rules and regulations.

SUBCHAPTER I.—PROPERTY LEFT ON VETERANS' ADMINISTRATION FACILITY

This subchapter heading has been inserted preceding section 16 of this title.

§ 16. Personal property of deceased veterans.

CROSS REFERENCES

Death while patient or member of Veterans' Administration facility, see section 17 et seq. of this title.

SUBCHAPTER II.—DEATH WHILE INMATE OF VETERANS' ADMINISTRATION FACILITY (NEW)

§ 17. Vesting of undisposed personalty in United States as trustee for General Post Fund.

Effective ninety days after December 26, 1941, whenever any veteran (admitted as a veteran) shall die while a member or patient in any facility, or any hospital while being furnished care or treatment therein by the Veterans' Administration, and shall not leave surviving him any spouse, next of kin, or heirs entitled, under the laws of his domicile, to his personal property as to which he dies intestate, all such property, including money and choses in action, owned by said decedent at the time of death and not disposed of by will or otherwise, shall immediately vest in and become the property of the United States as trustee for the sole use and benefit of the General Post Fund, a trust fund prescribed by section 725s (b) (45)¹ of Title 31.

The foregoing provisions are conditions precedent to the initial, and also to the further furnishing of care or treatment by the Veterans' Administration in a facility or hospital. The acceptance of care or treatment by any veteran admitted as such to any Veterans' Administration facility or hospital after ninety days from December 26, 1941, and as well the continued acceptance of care or treatment furnished by the Veterans' Administration after said ninety days by any veteran who is then receiving the same shall constitute an acceptance of the provisions and conditions of this subchapter and have the effect of an assignment, effective at his death, of such assets in accordance with and subject to the terms and provisions of this subchapter and the regulations issued in accordance with and pursuant thereto. Section 136 of Title 24 shall be and remain in effect during such ninety-day period except as modified by sections 17b to 17i of this title, which sections shall be effective upon December 26, 1941. (June 25, 1910, ch. 384, § 1, as amended Dec. 26, 1941, ch. 634, 55 Stat. 868.)

¹ So in original. There is no subdivision of section 725s of Title 31 designated "(b)". Reference is probably intended to paragraph (45) following subsec. (a) of that section.

GENERAL HISTORY OF SUBCHAPTER

Sections 17-17j of this title were from a paragraph of section 1, the sundry civil appropriation act for the fiscal year 1911, act June 25, 1910, ch. 384, 36 Stat. 736, as amended and designated to be sections 1-10 of that act by act Dec. 26, 1941, ch. 634, 55 Stat. 868, the enacting clause of which provided "That the Act approved June 25, 1910 (36 Stat. 736, 24 U. S. C. § 136), be amended to read as follows:". Since such act June 25, 1910, originally contained ten sections, the 1941 amendment has created a duplication in the numbering of the sections thereof.

Prior to the amendment by said act Dec. 26, 1941, the paragraph of the 1910 act in point related to the disposition of personal property of deceased members of the National Home for Disabled Volunteer Soldiers.

§ 17a. Presumption from death in facility of contract for disposition of property.

The fact of death of the veteran (admitted as such) in a facility or hospital, while being furnished care or treatment therein by the Veterans' Administration, leaving no spouse, next of kin, or heirs, shall give rise to a conclusive presumption of a valid contract for the disposition in accordance with this subchapter, but subject to its conditions, of all property described in section 17 of this title owned by said decedent at death and as to which he dies intestate. (June 25, 1910, ch. 384, § 2, as amended Dec. 26, 1941, ch. 634, 55 Stat. 869.)

CROSS REFERENCES

General history of subchapter, see note under section 17 of this title

§ 17b. Sale or destruction of property; deposit of receipts in Fund.

Any assets heretofore or hereafter accruing to the benefit of the said General Post Fund, other than money, but including jewelry and other personal effects, may be sold at the times and places and in the manner prescribed by regulations to be issued by the Administrator of Veterans' Affairs. Upon receipt of the purchase price he is authorized to deliver at the place of sale, said property sold, and upon request to execute and deliver appropriate assignments or other conveyances thereof in the name of the United States, which shall pass to the purchaser such title as decedent had at date of death. The net proceeds after paying any proper sales expenses as determined by the Administrator of Veterans' Affairs shall forthwith be paid to the Treasurer of the United States to the credit of said General Post Fund; and may be disbursed as other moneys in said fund by the Division of Disbursements, Treasury Department, upon order of said Administrator: *Provided*, That articles of personal adornment which are obviously of sentimental value, shall be retained and not sold or otherwise disposed of until the expiration of five years from the date of death of the veteran, without a claim therefor, unless for sanitary or other proper reasons it is deemed unsafe to retain same, in which event they may be destroyed forthwith. Any other articles coming into possession of the Administrator of Veterans' Affairs or his representatives by virtue of this subchapter which, under regulations to be promulgated by said Administrator, are determined to be unsalable may be destroyed forthwith or at the time prescribed by regulations, or may be used for the purposes for which disbursements might properly be made from said fund, or if not usable, otherwise disposed of in accordance with regulations. (June 25, 1910, ch. 384, § 3, as amended Dec. 26, 1941, ch. 634, 55 Stat. 869.)

CROSS REFERENCES

General history of subchapter, see note under section 17 of this title.

§ 17c. Disbursements from Fund; payment of creditors.

Disbursements from the General Post Fund shall be made by the Division of Disbursements, Treasury Department, upon the order and within the discre-

tion of the Administrator of Veterans' Affairs for the benefit of members and patients while being supplied care or treatment by the Veterans' Administration in any facility or hospital, and this authority is not limited to facilities or hospitals under direct administrative control of the Veterans' Administration: *Provided, however*, That there shall be paid out of the assets of the decedent so far as may be the valid claims of creditors against his estate that would be legally payable therefrom in the absence of this subchapter and without the benefit of any exemption statute, and which may be presented to the Veterans' Administration within one year from the date of death, or within the time, to the person, and in the manner required or permitted by the law of the State wherein administration, if any, is had upon the estate of the deceased veteran; and also the proper expenses and costs of administration, if any: *And provided further*, That if the decedent's estate be insolvent the distribution to creditors shall be in accordance with the laws of his domicile, and the preferences and priorities prescribed thereby shall govern, subject to any applicable law of the United States. (June 25, 1910, ch. 384, § 4, as amended Dec. 26, 1941, ch. 634, 55 Stat. 869.)

CROSS REFERENCES

General history of subchapter, see note under section 17 of this title.

§ 17d. Disposition of remainder of assets; acquisition of assets by Administrator of Veterans' Affairs.

The remainder of such assets or their proceeds shall become assets of the United States as trustee for said Post Fund and disposed of in accordance with this subchapter. If there be administration upon the decedent's estate such assets, other than money, upon claim therefor within the time required by law, shall be by the administrator of the estate delivered to the Administrator of Veterans' Affairs or his authorized representative, as upon final distribution; and upon the same claim there shall be paid to the Treasurer of the United States for credit to said Post Fund any such money available for final distribution. In the absence of administration, any money, chose in action, or other property of the deceased veteran held by any person shall be paid or transferred to the Administrator of Veterans' Affairs upon demand by him or his duly authorized representative, who shall deliver itemized receipt therefor. Such payment or transfer shall constitute a complete acquittance of the transferor with respect to any claims by any administrator, creditor, or next of kin of such decedent. (June 25, 1910, ch. 384, § 5, as amended Dec. 26, 1941, ch. 634, 55 Stat. 870.)

CROSS REFERENCES

General history of subchapter, see note under section 17 of this title.

§ 17e. Proceedings to obtain assets by Administrator of Veterans' Affairs.

If necessary to obtain such assets the Administrator of Veterans' Affairs, through his authorized attorneys, may bring and prosecute appropriate actions at law or other legal proceedings, the costs and expenses thereof to be paid as other administrative expenses of the Veterans' Administration. (June 25,

1910, ch. 384, § 1, as amended Dec. 26, 1941, ch. 634, 55 Stat. 870.)

CROSS REFERENCES

General history of subchapter, see note under section 17 of this title

§ 17f. Claims of right to decedents' property; filing; limitations of time; determination; payment.

Notwithstanding the crediting to said Post Fund of the assets, or proceeds thereof, of any decedent, whether upon determination by a court or the Veterans' Administration pursuant to the provisions of section 17 of this title, any person claiming a right to such assets may within five years after the death of the decedent file a claim on behalf of himself and any others claiming with the Administrator of Veterans' Affairs who, upon receipt of due proof that any person was at date of death of the veteran entitled to his personal property, or a part thereof, under the laws of the State of domicile of the decedent, may pay out of the Post Fund, but not to exceed the net amount credited thereto from said decedent's estate less any necessary expenses, the amount to which such person, or persons, was or were so entitled, and upon similar claim any assets of the decedent which shall not have been disposed of shall be delivered in kind to the parties legally entitled thereto: *Provided*, That if any person so entitled be under legal disability at the date of death of such decedent said five-year period of limitation shall run from the termination or removal of legal disability. In the event of doubt as to entitlement the Administrator of Veterans' Affairs may cause administration or other appropriate proceedings to be instituted in any court having jurisdiction. In determining questions of fact or law involved in the adjudication of claims made under this section no judgment, decree or order entered in any action at law, suit in equity, or other legal proceeding of any character purporting to determine entitlement to said assets or any part thereof, shall be binding upon the United States or the Administrator of Veterans' Affairs or determinative of any fact or question involving entitlement to any such property or the proceeds thereof, or any part of said Post Fund, unless the Administrator of Veterans' Affairs has been seasonably served with notice and permitted to become a party to such suit or proceeding if he make request therefor within thirty days after such notice. Notice may be served in person or by registered mail upon said Administrator of Veterans' Affairs, or upon his authorized attorney in the State wherein the action or proceedings may be pending: *Provided, however*, That notice may be waived by the Administrator of Veterans' Affairs or by his authorized attorney, in which event the finding, judgment, or decree shall have the same effect as if said Administrator were a party and served with notice. Any necessary court costs or expenses if authorized by the Administrator may be paid as are other administrative expenses of the Veterans' Administration. (June 25, 1910, ch. 384, § 7, as amended Dec. 26, 1941, ch. 634, 55 Stat. 870.)

CROSS REFERENCES

General history of subchapter, see note under section 17 of this title.

§ 17g. Notice to veterans of law.

The Administrator of Veterans' Affairs shall prescribe a form of application for hospital treatment and domiciliary care which shall include notice of the provisions of this subchapter. Within ninety days after approval hereof similar notice shall be given to each veteran then receiving care in any facility or hospital as described in this subchapter: *Provided, however*, That this requirement shall be met by posting of said notice with a copy of the prescribed form in a prominent place in each building wherein patients or members are housed. (June 25, 1910, ch. 384, § 8, as amended Dec. 26, 1941, ch. 634, 55 Stat. 871.)

CROSS REFERENCES

General history of subchapter, see note under section 17 of this title.

§ 17h. Investments of surplus moneys.

Moneys in the General Post Fund not required for current disbursement may be invested and reinvested by the Secretary of the Treasury in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. (June 25, 1910, ch. 384, § 9, as amended Dec. 26, 1941, ch. 634, 55 Stat. 871.)

CROSS REFERENCES

General history of subchapter, see note under section 17 of this title.

§ 17i. Effect on other laws.

Any provision of law in conflict with this subchapter is modified accordingly, but nothing herein shall be construed to repeal or modify sections 450, 454a, and 556a of this title, or any amendments thereto, or sections 16–16j of this title. (June 25, 1910, ch. 384, § 10, as amended Dec. 26, 1941, ch. 634, 55 Stat. 871.)

CROSS REFERENCES

General history of subchapter, see note under section 17 of this title.

§ 17j. Rules and regulations.

The Administrator of Veterans' Affairs shall have power to issue rules or regulations necessary or appropriate to carry out the purposes of this subchapter. (June 25, 1910, ch. 384, § 11, as amended Dec. 26, 1941, ch. 634, 55 Stat. 871.)

CROSS REFERENCES

General history of subchapter, see note under section 17 of this title.

Chapter 2.—GENERAL PROVISIONS RELATING TO PENSIONS

MISCELLANEOUS PROVISIONS

Sec.

26b. Waiver of retired pay or pension by Army enlisted men; administration notices to prevent concurrent payments (New).

MISCELLANEOUS PROVISIONS

§ 26b. Waiver of retired pay or pension by Army enlisted men; administration notices to prevent concurrent payments.

Where an enlisted man placed on the retired list under this section and sections 656, 939, 957, and 982a of Title 10 or under any provision of law would be eligible to receive pension or compensation under the laws administered by the Veterans' Admin-

istration, if he were not receiving retired pay, he may waive receipt of retired pay and allowances for the purpose of receiving such pension or compensation; and thereafter such retired enlisted man may waive receipt of such pension or compensation for the purpose of receiving retired pay and allowances. To prevent concurrent payments, when waiver of receipt of retired pay and allowances for the purpose of receiving pension or compensation is filed in the War Department that Department shall notify the Veterans' Administration of the receipt of such waiver and the effective date of the stoppage of retired pay and allowances. Similar report to the War Department shall be rendered by the Veterans' Administration, when waiver of receipt of pension or compensation is filed in the Veterans' Administration for the purpose of receiving retired pay and allowances. (June 30, 1941, ch. 263, § 4, 55 Stat. 395.)

ADMINISTRATION OF SECTION

Section 6 of act June 30, 1941, provided Secretary of War should administer the provisions of this section and sections 656, 939, 957 and 982a of Title 10, Army.

Chapter 3.—DISABILITY OR DEATH CAUSE DUE TO SERVICE SINCE MARCH 4, 1861

WIDOWS, REMARRIED WIDOWS, CHILDREN AND DEPENDENTS

§ 203. Succession of dependent relatives; when dependent parents entitled.

CROSS REFERENCES

Pensions payable to dependent parent after remarriage, see section 725 of this title.

§ 205. Widows and dependent mothers and sisters; remarriage of; restoration on renewed widowhood.

CROSS REFERENCES

Pensions payable to dependent parent after remarriage, see section 725 of this title.

Chapter 4A.—COAST GUARD PENSIONS

Sec.

238c. Disabilities incurred between Jan. 28, 1915 and July 2, 1930 (New).

238d. Same; administrative and penal provisions; when benefits begin (New).

238e. Same; reduction of pensions under other laws (New).

§ 238a. Same; claims recognized; commencement of pension.

CROSS REFERENCES

Coast Guard pensions made applicable to disabilities incurred between Jan. 28, 1915, and July 2, 1930, see sections 238c–238e of this title.

§ 238c. Disabilities incurred between Jan. 28, 1915 and July 2, 1930.

The provisions of the laws administered by the Veterans' Administration granting pension and other benefits to veterans and their dependents are hereby extended to the officers and enlisted men of the United States Coast Guard and their dependents for disability resulting from personal injury or disease contracted in line of duty, or for aggravation of a preexisting injury or disease contracted or suffered in line of duty, when such disability was incurred in or aggravated by active service in the United States Coast Guard on or after January 28, 1915, and before

July 2, 1930, and for death resulting from such injury or disease, under the same regulations and restrictions as provided by law for officers and enlisted men of the United States Coast Guard who incurred disability in line of duty on and after July 2, 1930, or who died as the result of such disability. (July 18, 1941, ch. 307, § 1, 55 Stat. 598.)

§ 238d. Same; administrative and penal provisions; when benefits begin.

The administrative, penal, and forfeiture provisions governing the granting of benefits, including accrued pension, under sections 701–721 of this title, as amended, and the Veterans Regulations promulgated thereunder, as amended, are hereby made applicable to the benefits granted under section 238c of this title: *Provided*, That in no event shall the benefits provided by section 238c be awarded for any period prior to July 18, 1941, and the date of commencement of pension granted under section 238c shall be from the date of filing application in the Veterans' Administration under such regulations as the Administrator of Veterans' Affairs may prescribe. (July 18, 1941, ch. 307, § 2, 55 Stat. 599.)

§ 238e. Same; reduction of pensions under other laws.

Sections 238c and 238d of this title shall not be construed to reduce any pension or compensation under any Act, public or private. (July 18, 1941, ch. 307, § 3, 55 Stat. 599.)

Chapter 7.—WAR WITH SPAIN, PHILIPPINE INSURRECTION, AND CHINESE BOXER REBELLION; VETERANS, WOMEN NURSES, AND DEPENDENTS

GENERALLY

Sec.

357b. Rate of death pensions to dependents as of September 1, 1941 (New).

GENERALLY

§ 357b. Rate of death pensions to dependents as of September 1, 1941.

Effective on the first day of the month next following the date of enactment of this section, the rates of death compensation provided for the dependents of World War veterans by section 472b of this title, subject to the limitation contained in the last sentence of the second paragraph of said section 472b, as amended by Act of August 21, 1941, shall be payable as death pension to the dependents of veterans of the Spanish-American War, including the Philippine Insurrection and Boxer Rebellion, entitled to death pension under the provisions of paragraph IV, part I of Veterans Regulation Numbered 1 (a), as amended, and to the dependents of veterans entitled to death pension under the provisions of paragraph I (c), part II of Veterans Regulation Numbered 1 (a), as amended, where the veteran's death resulted from an injury received in line of duty in actual combat in a military expedition or military occupation. (Aug. 21, 1941, ch. 396, § 1, 55 Stat. 665.)

CROSS REFERENCES

Veterans Regulations are set out at end of Chapter 12 of this title.

Chapter 10.—WORLD WAR VETERANS' RELIEF

SUBCHAPTER I.—GENERAL

§ 461. Pay and allowances of Medical Reserve Corps officers and nurses.

REPEATED—Act June 30, 1941, 6:20 p. m., E. S. T., ch. 262, § 1, 55 Stat. 387.

SUBCHAPTER II.—COMPENSATION AND TREATMENT

§ 472b. Death compensation; rates.

* * * * *

Widow, age under fifty years, \$38; widow, age fifty years or over, \$45; widow with one child, \$10 additional for such child up to ten years of age, increased to \$15 from age ten (with \$8 for each additional child up to ten years of age, increased to \$13 from age ten) (subject to apportionment regulations); no widow but one child, \$20; no widow but two children, \$33 (equally divided); no widow but three children, \$46 (equally divided) (with \$8 for each additional child, total amount to be equally divided); dependent mother or father, \$45 (or both) \$25 each. As to the widow, child, or children, the total compensation payable under this section shall not exceed \$83. The amount of compensation herein authorized shall be paid in the event the monthly payment of compensation under Veterans Regulation Numbered 1 (g), and the monthly payment of yearly renewable term or automatic insurance, or national service life insurance does not aggregate or exceed the amount of compensation herein authorized: *Provided*, That persons entitled to pension or compensation on account of the death, disability, or service of more than one person, if otherwise entitled, shall be paid the increased rates provided by this section. (As amended Aug. 21, 1941, ch. 396, § 2, 55 Stat. 665.)

* * * * *

AMENDMENTS

1941—Act Aug. 21, 1941, cited to text, amended last sentence of second paragraph by inserting words "or national service life insurance" before proviso and adding the latter, effective Sept. 1, 1941.

CROSS REFERENCES

Veterans' Regulations are set out at end of Chapter 12 of this title.

Chapter 12.—PENSION AND VETERANS' RELIEF REORGANIZATION

Sec.

725. Duration of pensions payable to dependent parents (New).

726. Determination of service connection of disease or injury (New).

§ 701. Pensions; who are eligible; termination of World War.

CROSS REFERENCES

Pensions payable to dependent parent after remarriage, see section 725 of this title.

§ 706b. Hospitalization and domiciliary care of veterans serving during war period.

In the administration of laws pertaining to veterans, retired officers, and enlisted men of the Army, Navy, Marine Corps, and Coast Guard, who served honorably during a war period as recognized by the

Veterans' Administration, shall be, and are entitled to hospitalization and domiciliary care in the same manner and to the same extent as veterans of any war are now or may hereafter be furnished hospitalization or domiciliary care by the Veterans' Administration and subject to those provisions of paragraph VI (A) of Veterans Regulation Numbered 6 (c), which provide for reduction of monetary benefits to veterans having neither wife, child, nor dependent parent while being furnished hospital treatment, institutional, or domiciliary care. (As amended Dec. 22, 1941, ch. 612, 55 Stat. 850.)

AMENDMENTS

1941—Act Dec. 22, 1941, cited to text, substituted words "in the same manner and to the same extent as veterans of any war are now or may hereafter be furnished hospitalization or domiciliary care by the Veterans' Administration" in lieu of "on parity with other war veterans."

REFERENCES IN TEXT

Veterans Regulation Numbered 6 (c), referred to in this section, is set out at the end of this chapter.

§ 724. Benefits applicable to veterans in service in Russia.

VETERANS' REGULATIONS

Supplementary material concerning Veterans' Regulations is set out following last section of this chapter.

§ 725. Duration of pensions payable to dependent parents.

Pension or compensation payable to a dependent mother or father under any law administered by the Veterans' Administration shall continue during dependency whether dependency arises prior or subsequent to the death of the veteran on whose account the benefit is payable. The fact of remarriage of the mother or father shall not operate to terminate such pension, provided that dependency exists notwithstanding such remarriage. (July 30, 1941, ch. 329, § 1, 55 Stat. 608.)

REPEAL

Section 2 of act July 30, 1941, cited to text, repealed any provision of law inconsistent with this section.

§ 726. Determination of service connection of disease or injury.

The Administrator of Veterans' Affairs is hereby authorized and directed to include in the regulations pertaining to service connection of disabilities additional provisions in effect requiring that in each case where a veteran is seeking service connection for any disability due consideration shall be given to the places, types, and circumstances of his service as shown by his service record, the official history of each organization in which he served, his medical records, and all pertinent medical and lay evidence.

In the case of any veteran who engaged in combat with the enemy in active service with a military or naval organization of the United States during some war, campaign, or expedition, the Administrator of Veterans' Affairs is authorized and directed to accept as sufficient proof of service connection of any disease or injury alleged to have been incurred in or aggravated by service in such war, campaign, or expedition, satisfactory lay or other evidence of serv-

ice incurrence or aggravation of such injury or disease, if consistent with the circumstances, conditions, or hardships of such service, notwithstanding the fact that there is no official record of such incurrence or aggravation in such service, and, to that end, shall resolve every reasonable doubt in favor of such veteran: *Provided*, That service connection of such injury or disease may be rebutted by clear and convincing evidence to the contrary. The reasons for granting or denying service connection in each such case shall be recorded in full. (Dec. 20, 1941, ch. 603, 55 Stat. 847.)

VETERANS' REGULATIONS PROMULGATED PURSUANT
TO CHAPTER 12

Vet Reg No 1 (a). Entitlement to pensions

PART II

PAYMENT OF PENSION FOR DISABILITY OR DEATH INCURRED
DURING PEACE-TIME SERVICE

1. * * *

(c) Any veteran otherwise entitled to pension under the provisions of part II of this regulation or the general pension law shall be entitled to receive the rate of pension provided in part I of this regulation, if the disability resulted from an injury or disease received in line of duty (1) as a direct result of armed conflict, or (2) while engaged in extra hazardous service, including such service under conditions simulating war, or (3) while the United States is engaged in war.

The dependents of any deceased veteran, whose death resulted from an injury or disease received in line of duty as described in this subparagraph, otherwise entitled to pension under the provisions of part II of this regulation or the general pension law, shall be entitled to pension at the rates provided for service-connected death compensation benefits for dependents of World War veterans by section 5 of Public Law Numbered 198, Seventy-sixth Congress, as amended (U. S. C., Title 38, sec 472b), or if barred by the insurance limitations thereof, the rates provided by paragraph IV of part I, Veterans Regulation Numbered 1 (a), as amended (As amended Dec. 19, 1941, ch. 598, § 1, 55 Stat. 844.)

(Sections 2 and 3 of act Dec. 19, 1941, section 1 of which amended Vet. Reg. No. 1 (a), Pt. II, Par. I (c), provided as follows:

("Sec. 2. The Administrator of Veterans' Affairs is hereby authorized to make rules and regulations, not inconsistent with the provisions of this Act, which are necessary to carry out its purposes.

("Sec. 3. The provisions of this Act shall also apply to disability or death occurring prior to the effective date of this Act, but payments authorized by this Act shall not be made for any period prior to the date of enactment, or the date of receipt in the Veterans' Administration of application for the benefits thereof, whichever is the later date.

("This Act shall not be so construed as to reduce any pension under any Act, public or private.")

Vet. Reg. No. 2 (a). Effective dates of awards of disability and death pensions; provisions for filing claims; review of presumptive claims by special review boards.

PART I

EFFECTIVE DATES OF AWARDS OF DISABILITY AND DEATH PENSIONS AND PROVISIONS FOR FILING CLAIMS

* * *

IV. (a) * * *

(b) Repealed. July 30, 1941, ch. 329, § 2, 55 Stat. 608.

* * *

Chapter 13.—NATIONAL SERVICE LIFE INSURANCE

§ 802. Persons insurable; premiums; type of insurance; benefits and beneficiaries; effective date and amount of insurance.

* * *

(d) Same; persons in service.

(1) Any person in the active service, and while in such active service, shall be granted such insurance without medical examination upon application therefor in writing (made within one hundred and twenty days after December 20, 1941), and upon payment of premiums: *Provided*, That after the expiration of such one-hundred-and-twenty-day period any such person may be granted National Service Life Insurance at any time upon application, payment of premiums, and evidence satisfactory to the Administrator showing him to be in good health.

(2) Any person in the active service on or after October 8, 1940, who, while in such service and before the expiration of one hundred and twenty days after December 20, 1941, dies or has died in line of duty (including death resulting from disease or injury incurred in line of duty), without having in force at the time of such death insurance under sections 287, 357, 502, and 575 of this title, chapter 10 of this title, or this chapter, in the aggregate amount of at least \$5,000, shall be deemed to have applied for and to have been granted insurance as of the date of entry into active service or October 8, 1940, whichever is later, in the sum of \$5,000 payable as provided in section 802 (h), except that payments hereunder shall be made only to the following beneficiaries and in the order named—

(A) to the widow or widower of the insured, if living and while unmarried;

(B) if no widow or widower entitled thereto, to the child or children of the insured, if living, in equal shares;

(C) if no widow or widower entitled thereto, or child, to the dependent mother or father of the insured, if living, in equal shares.

(3) Any person in the active service on or after October 8, 1940, who, while in such service and before the expiration of one hundred and twenty days after December 20, 1941, suffers in line of duty total disability continuously for six months or more without having in force at the time of such disability insurance under sections 287, 357, 502, and 575 of this title, chapter 10 of this title, or this chapter, in the aggregate amount of at least \$5,000, shall be deemed to have applied for and to have been granted insurance in the aggregate sum of \$5,000 effective as of the date such disability was so suffered but not prior to October 8, 1940. Such premiums shall be waived during the continuation of such total disability. The Administrator is authorized and directed to transfer from the National Service Life Insurance appropriation to the National Service Life Insurance Fund such sums as may be necessary to cover all losses incurred and premiums waived under paragraphs (2) and (3) of this subsection.

(4) The benefits and privileges extended by this section are hereby so extended by the Congress because many of the personnel of our armed forces

(1) were unable to comply with the prerequisites necessary to the granting of insurance by reason of extended duty in the North Atlantic, Hawaii, the Philippines, and other outlying bases; (2) had failed or neglected to apply for such insurance in the expectation that their service would be peacetime service only; and (3) by reason of the suddenness with which war was thrust upon us, had not sufficient time to apply for such insurance prior to engaging in combat. The Congress hereby declares that no further relief of such character will be granted. (As amended Dec. 20, 1941, ch. 602, § 10, 55 Stat. 846.)

* * * * *

AMENDMENTS

1941—Act Dec. 20, 1941, cited to text, amended subsec. (d).

REFERENCES IN TEXT

In subsec (d), words "sections 287, 357, 502, and 575 of this title, chapter 10 of this title" appeared in act Dec 20, 1941, cited to text, as "the War Risk Insurance Act, as amended, the World War Veterans' Act, 1924, as amended". For distribution of the latter act, see note under section 421 of this title.

CROSS REFERENCES

Insurance for persons whose period of military service is extended, see section 353 of Appendix to Title 50, War.

TITLE 39.—THE POSTAL SERVICE

Chapter 1.—POST OFFICES

§ 9. Rewards for detection of post-office burglars.

REPEATED.—Act May 31, 1941, ch. 156, title II, § 1, 55 Stat. 229.

Chapter 2.—POSTMASTERS

§ 31b. Same; appointments to first-, second-, and third-class post offices; residence.

Appointments to positions of postmaster at first-, second-, and third-class post offices shall be made by the reappointment and classification, non-competitively, of the incumbent postmaster, or by promotion from within the Postal Service in accordance with the provisions of sections 632, 633, 635, 637, 638, 640, 641, 642 of Title 5, sections 208–212 of Title 18 and section 42 of Title 40 and Rules, or by competitive examination, in accordance with the provisions of sections 632, 633, 635, 637, 638, 640, 641, 642 of Title 5, sections 208–212 of Title 18 and section 42 of Title 40 and Rules. No person shall be eligible for appointment under this section unless such person has actually resided within the delivery of the office to which he is appointed, or within the city or town where the same is situated for one year next preceding the date of such appointment, if the appointment is made without competitive examination; or for one year preceding the date fixed for the close of receipt of applications for examination, if the appointment is made after competitive examination: *Provided*, That residence within the delivery of the post office or within the city or town where the same is situated shall be essential to the examination, appointment, reappointment, or promotion of applicants for postmaster at offices unless the Civil Service Commission finds that peculiar local conditions preclude or render impossible the application of such requirements. In such cases the Commission may examine and certify for appointment, reappointment, or promotion persons who reside in such area adjacent to, or surrounding, the delivery zone of the post office as may be fixed by the Civil Service Commission. (As amended July 18, 1941, ch. 308, 55 Stat. 599.)

AMENDMENTS

1941—Proviso was added by act July 18, 1941, cited to text.

Chapter 3.—ASSISTANT POSTMASTERS, AND CLERKS AND EMPLOYEES

Sec.

138 Army mail clerks and assistants. (New).

§ 134. Mail clerks and assistants for Navy, Marine Corps, or Coast Guard.

Enlisted men of the United States Navy, Marine Corps, or Coast Guard may, upon selection by the Secretary of the Navy in the case of the Navy or Marine Corps, and by the Secretary of the Treasury

in the case of the Coast Guard, be designated by the Post Office Department as "Navy mail clerks" and "assistant Navy mail clerks" and as "Coast Guard mail clerks" and "assistant Coast Guard mail clerks", who shall be authorized to receive and open all pouches and sacks of mail addressed to naval and Coast Guard vessels, as the case may be, to make proper delivery of such mail, to receive matter for transmission in the mails, to receipt for registered matter (keeping an accurate record thereof), to keep and have for sale an adequate supply of postage stamps, to make up and dispatch mails, and other postal duties as may be authorized by the Postmaster General, all in accordance with such rules and regulations as may be prescribed by the commanding officer of the vessel or of the squadron to which the vessel is attached. Such enlisted men may also be designated as Navy mail clerks and assistant Navy mail clerks and as Coast Guard mail clerks and assistant Coast Guard mail clerks with expeditionary forces on shore or for duty at stations and shore establishments under the Navy Department and the Treasury Department, respectively, where the services of such mail clerks and assistant mail clerks are necessary. Each mail clerk and assistant mail clerk shall take the oath of office prescribed for employees of the Postal Service and shall be amenable in all respects to naval and Coast Guard discipline, as the case may be, except that, as to their duties as such clerks, the commanding officers of the vessels upon which they are stationed shall require them to be governed by the postal laws and regulations of the United States. Whenever necessity arises therefor any assistant mail clerk may be required by the commanding officer of the vessel upon which he is stationed or of the squadron to which said vessel is attached to perform the duties of mail clerk. They shall receive as compensation for such services from the Navy Department or from the Treasury Department, as the case may be, in addition to that paid them of the grade to which they are assigned, such sum in the case of mail clerks not to exceed \$500 per annum, and in that of assistant mail clerks not to exceed \$300 per annum, as may be determined and allowed by the Navy Department and by the Treasury Department, respectively. (As amended July 11, 1941, ch. 290, § 9 (a), 55 Stat. 586.)

AMENDMENTS

1941—Act July 11, 1941, amended section by making it applicable to the Coast Guard.

CROSS REFERENCES

Army mail clerks, see section 138 of this title.

§ 135. Same; bonds.

Every Army mail clerk and assistant Army mail clerk and every Coast Guard mail clerk and assistant Coast

Guard mail clerk shall give bond to the United States in such penal sum as the Postmaster General may deem sufficient for the faithful performance of his duties as such clerk (As amended July 11, 1941, ch. 290, § 9 (b), 55 Stat. 586.)

AMENDMENTS

1941—Act July 11, 1941, cited to text, amended section by making it applicable to the Coast Guard.

§ 137. Rates of compensation for the mechanical labor force.

REPEATED—Act May 31, 1941, ch. 156, title II, § 1, 55 Stat. 233

§ 138. Army mail clerks and assistants.

Enlisted men of the Army of the United States may, upon selection by the Secretary of War, be designated by the Post Office Department as "Army mail clerks" and "assistant Army mail clerks", who shall be authorized to receive and open all pouches and sacks of mail addressed to Army posts, military reservations, and defense bases, owned or leased, to make proper delivery of such mail, to receive matter for transmission in the mails, to receipt for registered matter (keeping an accurate record thereof) to keep and have for sale an adequate supply of postage stamps, to make up and dispatch mails, and other postal duties as may be authorized by the Postmaster General, all in accordance with such rules and regulations as may be prescribed by the commanding Army officer at the base, post, or reservation. Each Army mail clerk and assistant Army mail clerk shall take the oath of office prescribed for employees of the Postal Service and shall give bond to the United States in such sum as the Postmaster General may deem sufficient for the faithful performance of his duties as such mail clerk, and shall be amenable in all respects to Army discipline, except that, as to their duties as such clerks, the commanding officer at the base, post, or reservation at which they are stationed shall require them to be governed by the Postal Laws and Regulations of the United States. Whenever necessity arises therefor any assistant mail clerk may be required by such commanding officer to perform the duties of mail clerk. Compensation for services shall be paid by the War Department in addition to that paid them in the grade to which they are assigned, such sum in the case of mail clerks not to exceed \$500 per annum, and in the case of assistant mail clerks not to exceed \$300 per annum, as may be determined and allowed by the War Department. (Aug. 21, 1941, ch. 392, 55 Stat. 656.)

CROSS REFERENCES

Navy and Marine Corps mail clerks, see section 134 of this title.

Chapter 5.—RURAL DELIVERY SERVICE

§ 197. Salaries of carriers.

The salary of carriers in the Rural Mail Delivery Service for serving a rural route of thirty miles six days a week shall be \$1,800; on routes less than thirty miles, \$60 per mile per annum for each mile or major fraction thereof. The Postmaster General may, in his discretion, allow and pay such additional compensation as he may determine to be fair and reasonable

in each individual case to rural letter carriers serving heavily patronized routes not exceeding forty-two miles in length: *Provided*, That in no case shall the total compensation of a rural letter carrier serving a heavily patronized route of forty-two miles or less in length exceed \$2,100 per annum, exclusive of maintenance allowance: *Provided further*, That the Postmaster General shall include in his annual report to the Congress the number and names of the routes on which increases have been made. The Postmaster General may, in his discretion, allow and pay such additional compensation as he may determine to be fair and reasonable in each individual case to rural letter carriers serving heavily patronized routes not exceeding thirty-eight miles in length: *Provided*, That in no case shall the total compensation of a rural letter carrier serving a heavily patronized route of thirty-eight miles or less in length exceed \$2,100 per annum, exclusive of maintenance allowance: *Provided, further*, That the Postmaster General shall report to the Committees on Post Offices and Post Roads of the two Houses the number and names of the routes, on which these increases shall be made, by January 1, 1940, after which date no further increases shall be made. Each rural carrier assigned to a route served six days in a week shall receive \$20 per mile per annum for each mile or major fraction thereof said route is in excess of thirty miles, based on actual mileage, and each rural carrier assigned to a route served three days in the week shall receive \$10 per mile per annum for each mile or major fraction thereof said route is in excess of thirty miles, based on actual mileage. (As amended July 30, 1941, ch. 331, § 1, 55 Stat. 609.)

AMENDMENTS

1941—Second sentence added by act July 30, 1941, cited to text.

EFFECTIVE DATE

Section 2 of acts July 30, 1941 and June 25, 1938, cited to text, provided that the amendments by each should become effective one month after their respective dates of enactment

Chapter 7.—POSTAGE

§ 280. Postage on first-class matter.

INCREASE OF POSTAGE RATES

Section 1001 of the Revenue Act of 1932, as further amended, provides as follows:

"(a) On and after the thirtieth day after the date of the enactment of this Act and until July 1, 1943, the rate of postage on all mail matter of the first class (except postal cards and private mailing or post cards, and except other first class matter on which the rate of postage under existing law is 1 cent for each ounce or fraction thereof) shall be 1 cent for each ounce or fraction thereof in addition to the rate provided by existing law: *Provided*, That such additional rate shall not apply to first-class matter mailed for local delivery or for delivery wholly within a county the population of which exceeds one million, provided said county is entirely within a corporate city." (As amended May 28, 1941, ch. 143, 55 Stat. 210.)

* * * * *
Section 2 of act June 16, 1938, ch. 96, 48 Stat. 254, as further amended, provided as follows: "Sec 2. The President is authorized during the period ending June 30, 1943, to proclaim such modifications of postage rates on mail matter (except that in the case of first-class matter the rate shall not be reduced to less than 2 cents an ounce or fraction thereof) as, after a survey by him, he may deem advisable by reason of increase

in business, the interests of the public, or the needs of the Postal Service, and such modifications shall be in effect on and after such date as he shall proclaim and until July 1, 1943. In case a modification of the rate of postage on first-class matter is proclaimed, the President shall also make a corresponding modification in the percentages of gross postal receipts specified in section 1001 (c) of the Revenue Act of 1932 as amended by this Act, which percentages shall be in effect during the period such modification of the rate of postage on first-class matter is in effect. Nothing in this section shall be construed as giving the President authority to change the rate fixed by law on first-class matter mailed for local delivery, postal cards, and private mailing or post cards." (As amended May 28, 1941, ch. 143, 55 Stat. 210.)

Chapter 8.—THE FRANKING PRIVILEGE

§ 331. Reading matter for blind; Bibles; reproducers for sound-reproduction records.

Books, pamphlets, and other reading matter published either in raised characters, whether prepared by hand or printed or in the form of sound-reproduction records for the use of the blind, in packages not exceeding the weight prescribed by the Postmaster General, and containing no advertising or other matter whatever, unsealed, and when sent by public institutions for the blind, or by any public libraries, as a loan to blind readers, or when returned by the latter to such institutions or public libraries; magazines, periodicals, and other regularly issued publications in such raised characters, whether prepared by hand or printed, or on sound-reproduction records (for the use of the blind), which contain no advertisements and for which no subscription fee is charged, shall be transmitted in the United States mails free of postage and under such regulations as the Postmaster General may prescribe.

Volumes of the Holy Scriptures, or any part thereof, published either in raised characters, whether prepared by hand or printed, or in the form of sound-reproduction records for the use of the blind, which do not contain advertisements (a) when furnished by an organization, institution, or association not conducted for private profit, to a blind person without charge, shall be transmitted in the United States mails free of postage; (b) when furnished by an organization, institution, or association not conducted for private profit to a blind person at a price not greater than the cost price thereof, shall be transmitted in the United States mails at the postage rate of 1 cent for each pound or fraction thereof; under such regulations as the Postmaster General may prescribe.

Reproducers for sound-reproduction records for the blind or parts thereof which are the property of the United States Government, when shipped for repair purposes by an organization, institution, public library, or association for the blind not conducted for private profit, or by a blind person to an agency not conducted for private profit, or from such an agency to an organization, institution, public library, or association for the blind not conducted for private profit, or to a blind person, may be transmitted through the mails at the rate of 1 cent per pound or fraction thereof; under such regulations as the Postmaster General may prescribe.

The Postmaster General may in his discretion extend this rate of 1 cent per pound or fraction thereof

to reproducers for sound-reproduction records for the blind, or parts thereof, and, when mailed to be repaired or being returned after repair, to Braille writers and other appliances for the blind, or parts thereof, which are the property of State governments or subdivisions thereof, or of public libraries, or of private agencies for the blind not conducted for private profit, or of blind individuals, under such regulations as he may prescribe.

All letters written in point print or raised characters or on sound-reproduction records used by the blind, when unsealed, shall be transmitted through the mails as third-class matter. (As amended Oct. 14, 1941, ch. 437, 55 Stat. 737.)

AMENDMENTS

1941—Act Oct. 14, 1941, cited to text, inserted provisions in next to last paragraph respecting items repaired or for repair.

Chapter 16.—RAILWAY MAIL OFFICERS AND EMPLOYEES

Sec.

607a. Same, hours of service; overtime pay (New).

§ 607. Same; promotion; readjustment of grades; substitute laborers.

Substitute laborers in the Railway Mail Service shall be paid for services actually performed at the rate of 55 cents per hour, and when appointed to the position of regular laborer the substitute service performed shall be included in eligibility for promotion to grade 2 on the basis of three hundred and five days of eight hours constituting a year's service. (As amended Oct. 23, 1941, ch. 457, § 2, 55 Stat. 744.)

AMENDMENTS

1941—Act Oct. 23, 1941, cited to text, amended last sentence.

§ 607a. Same; hours of service; overtime pay.

After June 30, 1941, laborers in the Railway Mail Service shall be required to work not more than eight hours a day: *Provided*, That the eight hours of service shall not extend over a longer period than ten consecutive hours, and the schedules of duty of such employees shall be regulated accordingly: *Provided further*, That in cases of emergency, or if the needs of the Service require, and it is not practicable to employ substitutes, such employees can be required to work in excess of eight hours per day, and for such overtime service they shall be paid on the basis of the annual pay received by such employees: *And provided further*, That in computing the compensation for such overtime the annual salary or compensation for such employees shall be divided by three hundred and five, the number of working days in the year less all Sundays and legal holidays; the quotient thus obtained will be the daily compensation which divided by eight will give the hourly compensation for such overtime service. (Feb. 28, 1925, ch. 368, § 7 (pt.), as added Oct. 23, 1941, ch. 457, § 1, 55 Stat. 744.)

§ 621. Promotion of clerks assigned to offices of division superintendents or chief clerks.

Clerks assigned to the office of division superintendent or chief clerk shall be promoted successively to grade 4, and in the office of division superintend-

ent, four clerks may be promoted to grade 5 and eight clerks to grade 6, and in the office of chief clerk, one clerk may be promoted to grade 5 and two clerks to grade 6: *Provided*, That clerks assigned to the position of stenographer may be promoted successively to grade 2, and in division superintendents' offices not exceeding one stenographer may be promoted successively to grade 3: *Provided further*, That no employee shall be reduced in salary as a result of this section: *Provided further*, That former employees of the Railway Mail Service reinstated to stenographic positions prior to August 14, 1937, may be promoted successively to their grade at the time of separation from the service, but not to a higher grade than grade 4. (As amended Aug. 1, 1941, ch. 347, 55 Stat. 615.)

AMENDMENTS

1941—Third proviso was added by act Aug. 1, 1941, cited to text.

Chapter 20.—POSTAL SAVINGS DEPOSITORIES

§ 756. Deposits; amount; cards and stamps for small amounts.

POSTAL-SAVINGS STAMPS

Section 757c (c) of Title 31, Money and Finance, as amended by act Feb. 19, 1941, ch. 7, § 3, 55 Stat. 7, pur-

ported to remove "The limitation on the authority of the Postmaster General to prescribe the denominations of postal-savings stamps contained in" this section and to authorize the Postmaster General, "for the purposes of such section and to encourage and facilitate the accumulation of funds for the purchase of savings bonds and savings certificates, to prepare and issue postal-savings stamps in such denominations as he may prescribe." Apparently the removal of such limitation and the granting of such authority had already been effected by act July 26, 1939, cited to text.

§ 760. Bonds issued to depositors; investment of savings funds in bonds.

CROSS REFERENCES

United States obligations issued after Feb. 28, 1941, subject to Federal taxation, see section 742a of Title 31, Money and Finance.

Chapter 22.—MISCELLANEOUS PROVISIONS RELATING TO THE POSTAL SERVICE

§ 805. Sale of post-route maps and rural delivery maps.

REPEATED.—Act May 31, 1941, ch. 156, title II, § 1, 55 Stat. 232.

§ 809a. Contracts for telephone service.

REPEATED.—Act May 31, 1941, ch. 156, title II, § 1, 55 Stat. 234

TITLE 40.—PUBLIC BUILDINGS, PROPERTY, AND WORKS

Chapter 1.—PUBLIC BUILDINGS, GROUNDS, PARKS, AND WHARVES IN DISTRICT OF COLUMBIA

Sec.

109a. Purchases of coal and wood by Procurement Division; application of statutory requirements as to weighing, etc. (New).

§ 60a. Same; reservation of spaces adjacent to public buildings for Congress members.

REPEATED.—Act July 1, 1941, ch. 271, § 1, 55 Stat. 529.

§ 77a. Guard for Treasury Department buildings; detail of Secret Service agent to supervise.

REPEATED.—Act May 31, 1941, ch. 156, title I, § 1, 55 Stat. 214.

§ 109a. Purchases of coal and wood by Procurement Division; application of statutory requirements as to weighing, etc.

The requirements of section 109 of this title relative to the weighing of coal and wood and the separate certificate as to the weight, measurement, or quantity of coal and wood purchased shall not apply to purchases by the Procurement Division at free-on-board destination outside of the District of Columbia. (May 31, 1941, ch. 156, title I, § 1, 55 Stat. 226.)

Chapter 2.—CAPITOL BUILDING AND GROUNDS

§ 164a. Same; Assistant Architect of Capitol to act in case of absence, disability, or vacancy.

REPEATED.—Act July 1, 1941, ch. 268, § 1, 55 Stat. 457

§ 174b. Same; approval of structural changes by Architect of Capitol.

REPEATED.—Act July 1, 1941, ch. 268, § 1, 55 Stat. 458.

§ 206. Capitol police; appointment.

REPEATED.—Act July 1, 1941, ch. 268, § 1, 55 Stat. 456.

§ 213a. Same; Capitol Police Board to detail police for grounds.

REPEATED.—Act July 1, 1941, ch. 268, § 1, 55 Stat. 456.

Chapter 3.—PUBLIC BUILDINGS AND WORKS GENERALLY

Sec.

269a. Payment of fixed fee on construction contracts for military posts (New).

270e. Same; waiver of sections 270a–270d with respect to Army or Navy contracts (New).

276a–7. Application of sections 276a to 276a–6 to contracts entered into without regard to section 6 (New).

291. Admission of guide dogs accompanied by blind masters (New).

§ 255. Title to land to be purchased by United States; acquisition by United States of jurisdiction over lands.

CROSS REFERENCES

Exception in case of strategic network of highways, see section 114 of Title 23, Highways.

§ 269a. Payment of fixed fee on construction contracts for military posts.

The fixed fee to be paid the contractor as a result of any contract for public works entered into on or after September 9, 1940, for the construction and installation of buildings, utilities, and appurtenances at military posts shall not exceed 6 per centum of the estimated cost of the contract, exclusive of the fee, as determined by the Secretary of War. (June 30, 1941, 6:20 p. m., E. S. T., ch. 262, § 1, 55 Stat. 375.)

§§ 270a–270d.

WAIVER OF SECTIONS 270a–270d BY SECRETARY OF THE TREASURY

Act July 11, 1941, ch. 290, § 3 (b), 55 Stat. 585 provided sections 270a–270d might, "in the discretion of the Secretary of the Treasury, be waived with respect to contracts for the purposes enumerated in paragraph (a) of this section. Said paragraph (a) authorized the Secretary of the Treasury to enter into certain contracts for the Coast Guard during the national emergency. It is set out as note preceding section 1 of Title 41, Public Contracts.

§ 270e. Same; waiver of sections 270a–270d with respect to Army or Navy contracts.

Sections 270a–270d of this title may, in the discretion of the Secretary of War or the Secretary of the Navy, be waived with respect to contracts for the manufacturing, producing, furnishing, construction, alteration, repair, processing, or assembling of vessels, aircraft, munitions, matériel, or supplies of any kind or nature for the Army or the Navy, regardless of the terms of such contracts as to payment or title: *Provided*, That as to contracts of a nature which, on April 29, 1941, would have been subject to the provisions of sections 270a–270d of this title, the Secretary of War or the Secretary of the Navy may require performance and payment bonds as provided by said sections. (Apr. 29, 1941, ch. 81, 55 Stat. 147.)

§ 276a–7. Application of sections 276a to 276a–6 to contracts entered into without regard to section 5.

The fact that any contract authorized by any Act is entered into without regard to section 5 of this title, or upon a cost-plus-a-fixed-fee basis or otherwise without advertising for proposals, shall not be construed to render inapplicable the provisions of sections 276a to 276a–6 of this title, if such Act would otherwise be applicable to such contract. (Mar. 23, 1941, 12 noon, ch. 26, 55 Stat. 49; Aug. 21, 1941, ch. 395, 55 Stat. 658.)

§ 284. Old furniture to be used.

REPEATED.—Act May 31, 1941, ch. 156, title II, § 1, 55 Stat. 234.

§ 291. Admission of guide dogs accompanied by blind masters.

Seeing-eye dogs or other guide dogs, specially trained and educated for that purpose, accompanied

by their blind masters, shall be admitted to any building or other property owned or controlled by the United States, upon the same terms and conditions, and subject to the same regulations as generally govern the admission of the public to such property: *Provided*, That such dogs shall not be permitted to run free or roam in or on such property, and shall be in guiding harness or on leash and under the control of their blind masters at all times while in or on such property. The head of each department or other agency of the United States may make

such rules and regulations as he deems necessary in the public interest to carry out the provisions of this section in its application to any such building or other property subject to his jurisdiction. (Dec. 10, 1941, ch. 563, 55 Stat. 796.)

Chapter 4.—THE PUBLIC PROPERTY

§§ 313, 313a.

REPEATED.—Act May 31, 1941, ch. 156, title I, § 1, 55 Stat. 226.

TITLE 41.—PUBLIC CONTRACTS

NATIONAL DEFENSE CONTRACTS

CROSS REFERENCES

War contracts as exempt from certain provisions of law, see section 611 of Appendix to Title 50, War.

ACT JUNE 28, 1940

* * * * *

"Sec 2 (a) (1) That whenever deemed by the President of the United States to be in the best interests of the national defense during the national emergency declared by the President on September 8, 1939, to exist, the Secretary of the Navy is hereby authorized to negotiate contracts for the acquisition, construction, repair, or alteration of complete naval vessels or aircraft, or any portion thereof, including plans, spare parts, and equipment therefor, that have been or may be authorized, and also for machine tools and other similar equipment, with or without advertising or competitive bidding upon determination that the price is fair and reasonable, and deliveries of material under all orders placed pursuant to the authority of this section and all other naval contracts or orders and all Army contracts and orders shall, in the discretion of the President, take priority over all deliveries for private account or for export: *Provided*, That the Secretary of the Navy shall report every three months to the Congress the contracts entered into under the authority of this section: *Provided further*, That contracts negotiated pursuant to the provisions of this section shall not be deemed to be contracts for the purchase of such materials, supplies, articles, or equipment as may usually be bought in the open market within the meaning of section 9 of the Act entitled 'An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes', approved June 30, 1936 (49 Stat 2036, U S C, Supp V, Title 41, secs. 35-45): *Provided further*, That nothing herein contained shall relieve a bidder or contractor of the obligation to furnish the bonds under the requirements of the Act of August 24, 1935 (49 Stat 793; 40 U S C. § 270 (a) to (d)): *Provided further*, That the cost-plus-a-percentage-of-cost system of contracting shall not be used under the authority granted by this subsection to negotiate contracts; but this proviso shall not be construed to prohibit the use of the cost-plus-a-fixed-fee form of contract when such use is deemed necessary by the Secretary of the Navy: *And provided further*, That the fixed fee to be paid the contractor as a result of any contract entered into under the authority of this subsection, or any War Department contract entered into in the form of cost-plus-a-fixed-fee, shall not exceed 7 per centum of the estimated cost of the contract (exclusive of the fee as determined by the Secretary of the Navy or the Secretary of War, as the case may be).

"(2) Deliveries of material to which priority may be assigned pursuant to paragraph (1) shall include, in addition to deliveries of material under contracts or orders of the Army or Navy, deliveries of material under—

"(A) contracts or orders for the Government of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled 'An Act to promote the defense of the United States' (sections 411-419 of Title 22);

"(B) contracts or orders which the President shall deem necessary or appropriate to promote the defense of the United States; and

"(C) subcontracts or suborders which the President shall deem necessary or appropriate to the fulfillment of any contract or order as specified in this section.

Deliveries under any contract or order specified in this section may be assigned priority over deliveries under

any other contract or order. Whenever the President is satisfied that the fulfillment of requirements for the defense of the United States will result in a shortage in the supply of any material for defense or for private account or for export, the President may allocate such material in such manner and to such extent as he shall deem necessary or appropriate in the public interest and to promote the national defense. The President shall be entitled to obtain such information from, require such reports by, and make such inspection of the premises of, any person, firm, or corporation as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this section. No person, firm, or corporation shall be held liable for damages or penalties for any default under any contract or order which shall result directly or indirectly from his compliance with any rule, regulation, or order issued under this section. The President may exercise any power, authority, or discretion conferred on him by this section, through such department, agency, or officer of the Government as he may direct and in conformity with any rules and regulations which he may prescribe.

"(b) After the date of approval of the Second Supplemental National Defense Appropriation Act, 1941, no contract shall be made for the construction or manufacture of any complete naval vessel or any portion thereof, under the provisions of this section or otherwise, unless the contractor agrees, for the purposes of section 3 of the Act of March 27, 1934 (48 Stat. 505; 34 U. S. C. § 496), as amended—

"(1) to pay into the Treasury profit in excess of 8 per centum (in lieu of the 10 per centum specified in such section 3) of the total contract prices of such contracts within the scope of this subsection as are completed by the particular contracting party within the income taxable year;

"(2) that any profit in excess of 8 7 per centum of the cost of performing such contracts except prime contracts made on a cost-plus-a-fixed-fee basis as are completed by the contracting party within the income taxable year shall be considered to be profit in excess of 8 per centum of the total contract prices of such contracts; and

"(3) that he will make no subcontract which is within the scope of such section 3, unless the subcontractor agrees to the foregoing conditions. (As amended May 31, 1941, ch. 157, 55 Stat 236).

* * * * *

"Sec. 6. Notwithstanding the provisions of section 2 of the Act of May 29, 1930 (46 Stat. 463) (section 715 of Title 5), and section 204 of the Act of June 30, 1932 (47 Stat. 404) (section 715a of Title 5), any person heretofore or hereafter retired under the Civil Service Retirement Act of May 29, 1930, as amended (chapter 14 of Title 5), may be reemployed in the service of the War and Navy Departments and the Federal Bureau of Investigation of the Department of Justice and be continued in such service not later than June 30, 1942: *Provided*, That there shall be deducted and withheld from the basic salary, pay, or compensation of such person and credited to his account as provided in section 12 (a) of the Act of May 29, 1930, as amended, (section 724a of Title 5) the regular deductions prescribed by the said act: *Provided further*, That upon separation from the service for any cause such person may elect to receive a refund of the total deductions so withheld together with interest at 4 per centum per annum compounded on June 30 of each year, or receive credit for the additional service in the computation of any annuity awarded thereafter: *Provided further*, That payment of the annuity of such person shall be suspended during the period of such employment: *Provided further*, That during the na-

tional emergency declared by the President on September 8, 1939, to exist, the provisions of section 6 of the Act of August 24, 1912 (37 Stat. 555; U. S. C., Title 5, sec 652), shall not apply to any civil-service employee of the War or Navy Departments or of the Coast Guard, or their field services, whose immediate removal is, in the opinion of the Secretary concerned warranted by the demands of national security, but nothing herein shall be construed to repeal, modify, or suspend the proviso in that section. Those persons summarily removed under the authority of this section may, if in the opinion of the Secretary concerned, subsequent investigation so warrants, be reinstated, and if so reinstated shall be allowed compensation for the period of such removal at the rate they were receiving on the date of removal: *And provided further*, That within thirty days after such removal any such person shall have an opportunity personally to appear before the official designated by the Secretary concerned and be fully informed of the reasons for such removal, and to submit, within thirty days thereafter, such statement or affidavits, or both, as he may desire to show why he should be retained and not removed. (As amended Aug 21, 1941, ch. 385, 55 Stat 654)

* * * * *

"SEC 8. (a). * * *"

(Act Aug 21, 1941, ch 395, 55 Stat 658, made the provisions of this section applicable to naval public-works projects authorized by said act Aug. 21, 1941, and all prior acts)

* * * * *

ACT JULY 2, 1940

(Subsec (a) and (b) were continued in effect and made applicable to moneys appropriated for the War Department for national defense purposes for the fiscal year ending June 30, 1942, by act June 30, 1941, 6:20 p. m., E. S. T., ch. 262, § 9, 55 Stat. 393.)

* * * * *

ACT JULY 11, 1941. COAST GUARD CONTRACTS

Section 3 of act July 11, 1941, ch 290, 55 Stat. 585, provided: "Sec. 3. (a) The Secretary of the Treasury is hereby authorized, during the national emergency declared by the President on September 8, 1939, to exist, to negotiate contracts on behalf of the Coast Guard for the acquisition, construction, repair, or alteration of complete Coast Guard vessels or aircraft, or any portion thereof, including plans, spare parts, and equipment therefor, that have been or may be authorized, and also for machine tools and other similar equipment on the same basis and subject to the same limitations, and with the same privilege of priority in deliveries as is provided for similar contracts authorized to be negotiated by the Secretary of the Navy by section 2 (a) of the Act of June 28, 1940 (Public, Numbered 671, Seventy-sixth Congress, third session) (set out as note, ante)"

§§ 1-4a. Repealed. Oct. 21, 1941, ch. 452, 55 Stat. 743.

§ 5. Advertisements for proposals for purchases and contracts for supplies or services for departments of Government.

CROSS REFERENCES

Exception in case of strategic network of highways, see section 114 of Title 23, Highways.

§ 6. Same; exceptions to section 5 limited only as to amounts involved.

(b) Amount not exceeding \$50.

(8a) The Immigration and Naturalization Service in the field.

(19) The Weather Bureau.

(c) Amount not exceeding \$100.

(1) Office of Administrator of Civil Aeronautics.

(As amended June 28, 1941, ch. 258, titles II, III, IV, 55 Stat. 281, 289, 292, 302.)

AMENDMENTS

1941—Subsec. (b). "The Immigration and Naturalization Service in the field" was inserted upon authority of act June 28, 1941, cited to text.

The Weather Bureau was added upon authority of act June 28, 1941, cited to text.

Provisions respecting "The Administrative Office of the United States" was reaffirmed by act June 28, 1941, cited to text.

Subsec. (c). "The Civil Aeronautics Board" was changed to "Office of Administrator of Civil Aeronautics" upon authority of act June 28, 1941, ch. 258, title II, 55 Stat 281.

§ 6a. Same; exceptions to section 5 limited to particular agencies under specified circumstances.

(m) Bureau of Mines—to any purchase or service rendered in the investigation of domestic sources of mineral supply, when the amount involved does not exceed \$500. (As amended June 28, 1941, ch. 259, § 1, 55 Stat. 344.)

AMENDMENTS

1941—Subsec (m). Provision respecting "Bureau of Mines" was reaffirmed by act June 28, 1941, cited to text.

LEASES FOR FOREIGN SERVICE OFFICES

Secretary of State authorized to enter into leases for Foreign Service offices and grounds for periods not exceeding ten years without regard to section 5 of this title by acts June 29, 1939, ch. 248, title I, 53 Stat. 888; May 14, 1940, ch. 189, title I, 54 Stat. 184; June 28, 1941, ch 258, title I, 55 Stat. 268 For earlier provisions touching same matter consult prior appropriation acts.

§§ 16, 17-19. Repealed. Oct. 21, 1941, ch. 452, 55 Stat. 743.

TITLE 42.—THE PUBLIC HEALTH AND WELFARE

Chap.		Sec.
10.	Federal Security Agency (New).....	1601
11.	Compensation for Disability or Death to Persons Employed at Military, Air, and Naval Bases Outside the United States (New).....	1651

Chapter 1.—THE PUBLIC HEALTH SERVICE

PAY

§ 42. Officers disabled by sickness or injury; medical, surgical, and hospital services and supplies.

Officers of the Public Health Service when disabled on account of sickness or injury incurred in line of duty shall be entitled to medical, surgical, and hospital services and supplies under such regulations as the Federal Security Administrator may prescribe. (Apr. 9, 1930, ch. 125, § 12, 46 Stat. 152; Reorg. Plan. No. I, § 201, eff. July 1, 1939, 4 Fed. Reg. 2728, 53 Stat. 1424.)

§ 64c. Transportation of school children stationed at certain hospitals.

REPEATED.—Act July 1, 1941, ch. 269, title II, 55 Stat. 483

§ 68. Transportation funds for shipment of deceased officers.

REPEATED.—Act July 1, 1941, ch. 269, title II, 55 Stat. 480.

Chapter 7.—SOCIAL SECURITY ACT

SUBCHAPTER V —GRANTS TO STATES FOR MATERNAL AND CHILD WELFARE

MATERNAL AND CHILD HEALTH SERVICES

§ 704a. Allotments excluded from computation.

REPEATED.—Act July 1, 1941, ch. 269, title I, 55 Stat. 469

SUBCHAPTER IX.—TAX ON EMPLOYERS OF EIGHT OR MORE

§ 1101. Imposition of tax.

CREDITS AGAINST SOCIAL SECURITY TAX

Act May 28, 1938, ch. 289, § 810, 52 Stat. 576, was affected by act Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title VII, § 701 (c), 55 Stat. 728, relating to credit against Federal unemployment taxes, set out in note under this section

CREDIT AGAINST FEDERAL UNEMPLOYMENT TAXES

Act Oct 8, 1940, 11 p. m., E. S. T., ch. 757, title VII, § 701, 54 Stat. 1017, was affected by act Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title VII, § 701 (c), 55 Stat. 728, set out below.

Act Sept 20, 1941, 12:15 p. m., E. S. T., ch. 412, title VII, § 701, 55 Stat. 727, provided as follows:

"(a) *Allowance of credit against tax for 1936, 1937, and 1938.*—Against the tax imposed by section 901 of the Social Security Act (Title 42, § 1101) for the calendar year 1936, 1937, or 1938, any taxpayer shall be allowed credit (if credit is not allowable under section 902 of such Act (Title 42, § 1102)) for the amount of contributions paid by him into an unemployment fund under a State law—

"(1) Before the sixtieth day after the date of the enactment of this Act, if such credit is claimed be-

fore the expiration of six months after such date of enactment;

"(2) Without regard to the date of payment, with respect to wages paid after September 19, 1939;

"(3) Without regard to the date of payment, if the assets of the taxpayer are, at any time during the fifty-nine-day period following such date of enactment, or were at any time during the period August 11, 1939, to October 8, 1939, inclusive, or the period October 9, 1940, to December 6, 1940, inclusive, in the custody or control of a receiver, trustee, or other fiduciary appointed by, or under the control of, a court of competent jurisdiction.

The provisions of the Social Security Act (Title 42, § 301 et seq.) in force prior to February 11, 1939 (except the provision limiting the credit to amounts paid before the date of filing returns), shall apply to allowance of credit under this subsection; except that the amount of credit against the tax for the calendar year 1936, 1937, or 1938, for contributions paid after December 6, 1940, shall not (unless the credit is allowable on account of paragraph (2) or (3)) exceed 90 per centum of the amount which would have been allowable as credit on account of such contributions had they been paid before the last day upon which the taxpayer was required under section 905 of such Act (Title 42, § 1105) to file a return for such year. The terms used in this subsection shall have the same meaning as when used in title IX of such Act (Title 42, § 1101 et seq.) prior to February 11, 1939. The total credit allowable against the tax imposed by section 901 of such Act (Title 42, § 1101) for the calendar year 1936, 1937, or 1938 shall not exceed 90 per centum of such tax

"(b) *Allowance of Credit Against Tax for 1939 and 1940.*—Against the tax imposed by the Federal Unemployment Tax Act (Title 26, § 1600 et seq.) for the calendar year 1939 or 1940, any taxpayer shall be allowed credit (if credit is not allowable under section 1601 of such Act) (Title 26, § 1601) for the amount of contributions paid by him into an unemployment fund under a State law—

"(1) Before the sixtieth day after the date of the enactment of this Act, if such credit is claimed before the expiration of six months after such date of enactment;

"(2) Without regard to the date of payment, if the assets of the taxpayer are, at any time during the fifty-nine-day period following such date of enactment, or were at any time during the period from the last day upon which the taxpayer was required under section 1604 of the Federal Unemployment Tax Act (Title 26, § 1604) to file a return of the tax against which credit is claimed to June 30 next following such last day, inclusive, or (in the case of credit against the tax for the calendar year 1939) the period October 9, 1940, to December 6, 1940, inclusive, in the custody or control of a receiver, trustee, or other fiduciary appointed by, or under the control of, a court of competent jurisdiction.

The provisions of the Federal Unemployment Tax Act (Title 26, § 1600 et seq.) (except section 1601 (a) (3)) (Title 26, § 1601 (a) (3)) including such provisions as modified by section 902 (e) of the Social Security Act Amendments of 1939 (Title 26, § 1601 note), shall apply to allowance of credit under this subsection. The amount of such credit against the tax for the calendar year 1939 or 1940, in the case of contributions paid after the last day upon which the taxpayer was required under section 1604 of the Federal Unemployment Tax Act (Title 26, § 1604) to file a return for such year, shall not (unless the credit is allowable on account of paragraph (2)) exceed

90 per centum of the amount which would have been allowable as credit on account of such contributions had they been paid on or before such last day. The terms used in this subsection shall have the same meaning as when used in the Federal Unemployment Tax Act (Title 26, § 1600 et seq.). The total credit allowable against the tax imposed by such Act (Title 26, § 1600 et seq.) for the calendar year 1939 or 1940 shall not exceed 90 per centum of such tax.

"(c) *Refund*.—Refund, credit, or abatement of the tax (including penalty and interest assessed or collected with respect thereto, if any), based on any credit allowable under subsection (a) or (b), may be made in accordance with the provisions of law applicable in the case of erroneous or illegal assessment or collection of the tax (including statutes of limitations). No interest shall be allowed or paid on the amount of any such credit or refund. On and after the date of the enactment of this Act no refund, credit, or abatement shall be allowed based on any credit allowable under section 810 of the Revenue Act of 1938 (Title 42, § 1101 note), section 902 (a) of the Social Security Act Amendments of 1939 (Title 42, § 1102 note), or section 701 of the Second Revenue Act of 1940 (Title 26, § 1600 note; Title 42, § 1101 note) "

§ 1102. Credit against tax.

CREDITS AND SOCIAL SECURITY TAX

Act Aug. 10, 1939, ch. 666, title IX, § 902 (a), 53 Stat. 1399, was affected by act Sept. 20, 1941, 12:15 p m., E. S. T., ch. 412, title VII, § 701 (c), 55 Stat. 728, relating to credit against Federal unemployment taxes, set out in note under section 1101 of this title.

§ 1109. Additional credit against tax.

CROSS REFERENCES

Allowance of credit against Federal Unemployment Taxes for 1936, 1937, and 1938, see note under section 1101 of this title.

Chapter 8.—LOW-RENT HOUSING

§ 1405. Same; miscellaneous provisions.

CROSS REFERENCES

United States obligations issued after Feb. 28, 1941, subject to Federal taxation, see section 742a of Title 31, Money and Finance.

§ 1406c. Same; expense of construction advisers on non-Federal projects.

All necessary expenses of providing construction advisers and their staffs at the sites of non-Federal projects, and of paying the accrued annual leave of such construction advisers and their staffs (including annual leave accrued prior to April 5, 1941), in connection with the construction of such non-Federal projects by public housing agencies with the aid of the United States Housing Authority, shall be reimbursed or paid by such agencies, and expenditures by the Authority from such receipts shall be considered nonadministrative expenses. (As amended Apr. 5, 1941, ch. 40, § 1, 55 Stat. 111.)

§ 1420. Issuance of obligations by Authority—(a) Authorization; form; amount.

The Authority is authorized to issue obligations in the form of notes, bonds, or otherwise, which it may sell to obtain funds for the purposes of this chapter. The Authority may issue such obligations in an amount not to exceed \$800,000,000, exclusive of any obligations which may be issued for refunding purposes. Such obligations shall be in such forms and denominations, mature within such periods not exceeding sixty years from date of issue, bear such rates of interest not exceeding 4 per centum per annum,

be subject to such terms and conditions, and be issued in such manner and sold at such prices as may be prescribed by the Authority with the approval of the Secretary of the Treasury. (As amended Oct. 30, 1941, ch. 467, 55 Stat. 759.)

* * * * *

AMENDMENTS

1941—Subsec (a) was amended by act Oct 30, 1941, cited to text

CROSS REFERENCES

United States obligations issued after Feb 28, 1941, subject to Federal taxation, see section 742a of Title 31, Money and Finance.

Chapter 9.—HOUSING OF PERSONS ENGAGED IN NATIONAL DEFENSE

SUBCHAPTER II.—DEFENSE HOUSING (New)

- Sec
1521. Federal Works Administrator's powers respecting defense housing.
1522 Definitions
1523 Appropriations.

SUBCHAPTER III.—DEFENSE PUBLIC WORKS (New)

- 1531 Declaration of policy; definition of "public work."
1532 Federal Works Administrator's powers respecting defense public works; definition of "private agency."
1533. Terms to be observed in application of subchapter; restrictions against governmental supervision over schools and hospitals.
1534. Appropriations

SUBCHAPTER IV.—GENERAL PROVISIONS AFFECTING SUBCHAPTERS II AND III (New)

1541. Termination of Subchapter II-IV; saving clause.
1542. Transfer of funds from other Federal agencies to Administrator
1543. Disposition of moneys received from rental, etc.
1544. Power of Administrator to manage; convey, etc., housing properties
1545. Utilization of Federal and local agencies; employment of private services.
1546. Agreements by Administrator to pay annual sums to local authorities in lieu of taxes.
1547. Preservation of local civil and criminal jurisdiction and civil rights.
1548. Rules and regulations; standards of safety, convenience, and health.
1549. Computation of wages for laborers and mechanics.
1550 Separability clause.
1551. Annual report to Congress.

SUBCHAPTER I.—PROJECTS GENERALLY

§ 1505. Funds of Authority.

CODIFICATION

As originally enacted this section contained a sentence at the end thereof which read, "The provisions of title I of this Act (note preceding section 1 of Title 41, Public Contracts, section 40 of Title 41, section 1262a of Title 10, Army, and section 546e of Title 34, Navy) shall not apply to this title (subchapter)."

SUBCHAPTER II.—DEFENSE HOUSING (New)

Sections 1-3 of act Oct. 14, 1940, cited to sections 1521-1523 of this title, were designated "Title I" of that act by act June 28, 1941, ch. 260, § 1, 55 Stat. 361.

§ 1521. Federal Works Administrator's powers respecting defense housing.

In order to provide housing for persons engaged in national-defense activities, and their families, in those areas or localities in which the President shall

find that an acute shortage of housing exists or impends which would impede national-defense activities and that such housing would not be provided by private capital when needed, the Federal Works Administrator (hereinafter referred to as the "Administrator") is authorized:

(a) To acquire prior to the approval of title by the Attorney General (without regard to section 1339 of Title 10 and section 5 of Title 41), improved or unimproved lands or interests in lands by purchase, donation, exchange, lease (without regard to sections 40a and 34 of Title 40, or any time limit on the availability of funds for the payment of rent), or condemnation (including proceedings under sections 257, 258, 361-368, and 258a-258e of Title 40.)

(b) By contract or otherwise (without regard to section 1339 of Title 10, section 5 of Title 41, and section 40a of Title 40, or any Federal, State, or municipal laws, ordinances, rules, or regulations relating to plans and specifications or forms of contract, the approval thereof or the submission of estimates therefor) prior to the approval of title by the Attorney General to make surveys and investigations, plan, design, construct, remodel, extend, repair, or demolish structures, buildings, improvements, and community facilities, on lands or interests in lands acquired under the provisions of subsection (a) hereof or on other lands of the United States which may be available (transfers of which for this purpose by the Federal agency having jurisdiction thereof are hereby authorized notwithstanding any other provisions of law), provide proper approaches thereto, utilities, and transportation facilities, and procure necessary materials, supplies, articles, equipment, machinery, and do all things necessary in connection therewith to carry out the purposes of this subchapter: *Provided*, That the cost-plus-a-percentage-of-cost system of contracting shall not be used, but this proviso shall not be construed to prevent the use of the cost-plus-a-fixed-fee form of contract: *Provided*, That the cost per family dwelling unit shall not exceed an average of \$3,500 for those units located within the continental United States nor an average of \$4,000 for those located elsewhere, and the cost of no family dwelling unit shall exceed \$3,950 within the continental United States or \$4,750 elsewhere, exclusive of expenses of administration, land acquisition, public utilities, and community facilities, and the aggregate cost of community facilities shall not exceed 3 per centum of the total cost of all projects: *Provided further*, That all items of cost with respect to each such family dwelling unit shall be separately estimated with a view toward economy, and no movable equipment shall be installed in such units, unless the Administrator shall, in any particular case, deem such installation to be in the public interest. (Oct. 14, 1940, ch. 862, title I, § 1, 54 Stat. 1125, as amended Apr. 29, 1941, ch. 80, § 1, 55 Stat. 147; June 28, 1941, ch. 260 § 2, 55 Stat. 361.)

AMENDMENTS

1941—Act June 28, 1941, cited to text, substituted "this title" for "this Act", translated herein as "this subchapter."

Act April 29, 1941, cited to text, substituted "\$3,500" for "\$3,000" and added last proviso in subsec. (b).

§ 1522. Definitions.

As used in subchapters 2-4, (a) the term "persons engaged in national-defense activities" shall include (1) enlisted men in the naval or military services of the United States; (2) employees of the United States in the Navy and War Departments assigned to duty at naval or military reservations, posts, or bases; (3) workers engaged or to be engaged in industries connected with and essential to the national defense; (b) the term "Federal agency" means any executive department or office (including the President), independent establishment, commission, board, bureau, division, or office in the executive branch of the United States Government, or other agency of the United States, including corporations in which the United States owns all or a majority of the stock, directly or indirectly. (Oct. 14, 1940, ch. 862, title I, § 2, 54 Stat. 1126.)

CROSS REFERENCES

Public work defined, see section 1531 of this title.

§ 1523. Appropriations.

The sum of \$300,000,000, to remain available until expended is hereby authorized to be appropriated to carry out the purposes of this subchapter in accordance with the authority therein contained and for administrative expenses in connection therewith: *Provided, however*, That the Administrator is authorized to reimburse, from funds which may be appropriated pursuant to the authority of this subchapter, the sum of \$3,300,000 to the emergency funds made available to the President under the Act of June 11, 1940, ch. 313, 54 Stat. 265, entitled "An Act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1941, and for other purposes" (Public, Numbered 588), and the sum of \$6,700,000 to the emergency funds made available to the President under the Military Appropriation Act, 1941, approved June 13, 1940 (Public, Numbered 611) ch. 343, 54 Stat. 350. (Oct. 14, 1940, ch. 862, title I, § 3, 54 Stat. 1126, as amended Apr. 29, 1941, ch. 80, § 2, 55 Stat. 147; June 28, 1941, ch. 260, § 2, 55 Stat. 361.)

AMENDMENTS

1941—Act June 28, 1941, cited to text, substituted "this title" for "this Act", translated herein as "this subchapter."

Act Apr. 29, 1941, cited to text, substituted "\$300,000,000" for "\$150,000,000".

ADDITIONAL APPROPRIATIONS

RES. OCT. 14, 1940

Res. Oct. 14, 1940, ch. 857, 54 Stat. 1115, contained the following appropriation for the Federal Works Agency:

"National defense housing: To enable the Federal Works Administrator to carry out the purposes of the act entitled 'An Act to expedite the provision of housing in connection with national defense, and for other purposes', H. R. 10412, as enacted into law during the Seventy-sixth Congress (subchapters II-IV), \$75,000,000, to be expended in accordance with the provisions of such act, to remain available until expended, and to be available for all necessary administrative expenses for the purposes hereof, including personal services and rent in the District of Columbia and elsewhere, printing and binding, and purchase, repair, operation, and maintenance of motor-propelled passenger-carrying vehicles; and in addition to such appropriation, authority is granted to enter into contracts or otherwise to incur obligations for the above purposes

in amounts not to exceed in the aggregate \$75,000,000: *Provided*, That in no case under the foregoing appropriation or contractual authorization shall the fixed fee to be paid the contractor under any contract entered into without reference to section 3709 of the Revised Statutes of the United States (Title 41, § 5) on a cost-plus-a-fixed-fee basis exceed 6 per centum of the estimated cost of the contract, exclusive of the fee, as determined by the Administrator or the head of such Federal agency through which he may act: *Provided further*, That the fact that a contract is entered into under the provisions of the above mentioned act without reference to section 3709 of the Revised Statutes of the United States shall not be construed to render inapplicable the provisions of the act of March 3, 1931, as amended by the act of August 30, 1935 (49 Stat. 1011; U. S. C., title 40, sec. 276 (a)), or the provisions of the act of June 30, 1936 (49 Stat. 2036; U. S. C., title 41, secs. 35-45), to any contract to which the provisions of either or both of such acts would otherwise apply."

ACT MAR. 1, 1941

Act Mar. 1, 1941, ch. 9, § 1, 55 Stat. 14, contained the following appropriation for "Emergency Funds for the President": "Defense housing. To enable the President of the United States through such agencies of the Government as he may designate, without regard to section 3709, Revised Statutes (Title 41, § 5), to provide temporary shelter, either by the construction of buildings or otherwise, including appurtenances and including the acquisition of land or interests therein, in localities where by reason of national defense activities a shortage of housing exists, as determined by the President, and where it is not practicable under the Act of October 14, 1940 (Public, Numbered 849, Seventy-sixth Congress) (subchapters II-IV), or other Acts of Congress or through private enterprise to meet the immediate need for emergency housing, fiscal year 1941, \$5,000,000, to be available until June 30, 1942, and to be available also for all necessary expenses incident to the providing of such facilities and the operation and management thereof, including personal services in the District of Columbia and elsewhere, printing and binding, and purchase, operation, and maintenance of motor-propelled passenger-carrying vehicles: *Provided*, That all receipts derived from the rental or operation of the facilities provided for herein shall be returned to this appropriation and shall be available for expenses of operation and management of such facilities, including administrative expenses in connection therewith, and the unobligated balance of such receipts shall be covered into the Treasury at the end of each fiscal year as miscellaneous receipts: *Provided further*, That a detailed report of expenditures under this paragraph shall be made by the agency or agencies designated by the President under this provision to the Secretary of the Senate and the Clerk of the House of Representatives every six months from and after the passage of this Act."

ACT MAY 24, 1941

Act May 24, 1941, ch. 132, § 1, 55 Stat. 199, appropriated an additional \$150,000,000 to enable the Federal Works Administrator to carry out the purposes of act Oct. 14, 1940, ch. 862, subchapters II-IV, to remain available until expended and to be expended in accordance with the authority and limitations applying to expenditures under such act and Res. Oct. 14, 1940, ch. 857, set out supra.

ACT DEC. 17, 1941

Act Dec. 17, 1941, ch. 591, title III, 55 Stat. 818, appropriated an additional \$300,000,000 for defense housing, to remain available until June 30, 1943

ACT DEC. 23, 1941

Act Dec. 23, 1941, ch. 621, 55 Stat. 855, appropriated an additional amount of \$300,000,000 to carry out the purposes of sections 1521-1523 of this title, and to remain available for the duration of the national emergency.

SUBCHAPTER III.—DEFENSE PUBLIC WORKS
(New)

§ 1531. Declaration of policy; definition of "public work."

It is hereby declared to be the policy of this subchapter to provide means by which public works may be acquired, maintained, and operated in the areas described in section 1532 of this title. As used in this subchapter, the term "public work" means any facility necessary for carrying on community life substantially expanded by the national-defense program, but the activities authorized under this subchapter shall be devoted primarily to schools, water-works, sewers, sewage, garbage and refuse disposal facilities, public sanitary facilities, works for the treatment and purification of water, hospitals and other places for the care of the sick, recreational facilities, and streets and access roads. (Oct. 14, 1940, ch. 862, title II, § 201, as added June 28, 1941, ch. 260, § 3, 55 Stat. 361.)

CROSS REFERENCES

Federal agency defined, see section 1522 of this title.
Persons engaged in national defense activities, who are, see section 1522 of this title.

§ 1532. Federal Works Administrator's powers respecting defense public works; definition of "private agency."

Whenever the President finds that in any area or locality an acute shortage of public works or equipment for public works necessary to the health, safety, or welfare of persons engaged in national-defense activities exists or impends which would impede national-defense activities, and that such public works or equipment cannot otherwise be provided when needed, or could not be provided without the imposition of an increased excessive tax burden or an unusual or excessive increase in the debt limit of the taxing or borrowing authority in which such shortage exists, the Federal Works Administrator is authorized, with the approval of the President, in order to relieve such shortage—

(a) To acquire, prior to the approval of title by the Attorney General if necessary (without regard to section 1339 of Title 10, and section 5 of Title 41), improved or unimproved lands or interests in lands by purchase, donation, exchange, lease (without regard to section 40a of Title 40, as amended, section 34 of Title 40, or any time limit on the availability of funds for the payment of rent), or condemnation (including proceedings under sections 257, 258, 361-368, 258a-258e of Title 40), for such public works.

(b) By contract or otherwise (without regard to section 1339 of Title 10, section 5 of Title 41, section 40a of Title 40, or any Federal, State, or municipal laws, ordinances, rules, or regulations relating to plans and specifications or forms of contract, the approval thereof or the submission of estimates therefor), prior to the approval of title by the Attorney General if necessary, to plan, design, construct, remodel, extend, repair, or lease public works, and to demolish structures, buildings, and improvements, on lands or interests in lands acquired under the provisions of subsection (a) hereof or on other lands of the United States which may be available

(transfers of which for this purpose by the Federal agency having jurisdiction thereof are hereby authorized notwithstanding any other provisions of law), provide proper approaches thereto, utilities, and transportation facilities, and procure necessary materials, supplies, articles, equipment, and machinery, and do all things in connection therewith to carry out the purposes of this subchapter.

(c) To make loans or grants, or both, to public and private agencies for public works and equipment therefor, and to make contributions to public or private agencies for the maintenance and operation of public works, upon such terms and in such amounts as the Administrator may consider to be in the public interest. As used in this paragraph, the term "private agency" means any private agency no part of the net earnings of which inures to the benefit of any private shareholder or individual. (Oct. 14, 1940, ch. 862, title II, § 202, as added June 28, 1941, ch. 260, § 3, 55 Stat. 362.)

§ 1533. Terms to be observed in application of subchapter; restrictions against governmental supervision over schools and hospitals.

(a) In carrying out this subchapter—

(1) no contract on a cost plus a percentage of cost basis shall be made, but contracts may be made on a cost plus a fixed fee basis: *Provided*, That the fixed fee does not exceed 6 per centum of the estimated cost;

(2) wherever practicable, utilization shall be made of existing private and public facilities or such facilities shall be extended, enlarged, or equipped in lieu of constructing new facilities;

(3) public works shall be maintained and operated by officers and employees of the United States only if and to the extent that local public and private agencies are, in the opinion of the Administrator, unable or unwilling to maintain or operate such public works adequately with their own personnel and under loans or grants authorized by this subchapter;

(4) public works shall be provided on the basis of need and in determining need no discrimination shall be made on account of race, creed, or color.

(b) No department or agency of the United States shall exercise any supervision or control over any school with respect to which any funds have been or may be expended pursuant to this subchapter, nor shall any term or condition of any agreement under this subchapter relating to, or any lease, grant, loan, or contribution made under this subchapter to or on behalf of, any such school, prescribe or affect its administration, personnel, curriculum, instruction, methods of instruction, or materials for instruction.

(c) No department or agency of the United States shall exercise any supervision or control over any hospital or other place for the care of the sick (which is not owned and operated by the United States) with respect to which any funds have been or may be expended under this subchapter, nor shall any term or condition of any agreement under this subchapter relating to, or any lease, grant, loan, or contribution made under this subchapter to, or on behalf of, any such hospital or place, prescribe or

affect its administration, personnel, or operation. (Oct. 14, 1940, ch. 862, title II, § 203, as added June 28, 1941, ch. 260, § 3, 55 Stat. 362.)

§ 1534. Appropriations.

The sum of \$150,000,000, to remain available until expended, is hereby authorized to be appropriated to carry out the purposes of this subchapter and for administrative expenses in connection therewith, including personal services and rent in the District of Columbia and elsewhere, printing and binding, and purchase, repair, operation, and maintenance of motor-propelled passenger-carrying vehicles. (Oct. 14, 1940, ch. 862, title II, § 204, as added June 28, 1941, ch. 260, § 3, 55 Stat. 363.)

ADDITIONAL APPROPRIATIONS

For appropriations supplementing subchapters II–IV see notes under section 1523 of this title.

SUBCHAPTER IV—GENERAL PROVISIONS AFFECTING SUBCHAPTERS II AND III (New)

Former sections 4–14 of act Oct. 14, 1940, cited to sections 1541–1551 of this title, were designated "Title III" of that act and renumbered to be sections 301–311 thereof, respectively, by act June 28, 1941, ch. 260, §§ 3, 4, 55 Stat. 363.

§ 1541. Termination of Subchapters II–IV; saving clause.

When the President shall have declared that the emergency declared by him on September 8, 1939, has ceased to exist (a) the authority contained in sections 1521 and 1532 of this title shall terminate except with respect to contracts on projects previously entered into or undertaken and court proceedings then pending, and (b) property acquired or constructed under subchapters II–IV (including schools and hospitals) shall be disposed of as promptly as may be advantageous under the circumstances and in the public interest. (Oct. 14, 1940, ch. 862, title III, § 4, 54 Stat. 1127; renumbered § 301 and amended June 28, 1941, ch. 260, § 4 (a), 55 Stat. 363.)

§ 1542. Transfer of funds from other Federal agencies to Administrator.

Where any Federal agency has funds for the provision of housing in connection with national-defense activities it may, in its discretion, make transfers of those funds, in whole or in part, to the Administrator, and the funds so transferred shall be available for, but only for, any or all of the objects and purposes of and in accordance with all the authority and limitations contained in subchapters II–IV, and for administrative expenses in connection therewith. (Oct. 14, 1940, ch. 862, title III, § 5, 54 Stat. 1127, renumbered § 302, June 28, 1941, ch. 260, § 4 (b), 55 Stat. 363.)

§ 1543. Disposition of moneys received from rental, etc.

Moneys derived from rental or operation of property acquired or constructed under the provisions of subchapters II–IV shall be returned to the appropriation authorized thereby and shall be available for expenses of operation and maintenance including administrative expenses in connection therewith,

and the unobligated balance of the moneys so deposited shall be covered into the Treasury at the end of each fiscal year as miscellaneous receipts. (Oct. 14, 1940, ch. 862, title III, § 6, 54 Stat. 1127; renumbered § 303, June 28, 1941, ch. 260, § 4 (b), 55 Stat. 363.)

§ 1544. Power of Administrator to manage, convey, etc., housing properties.

Notwithstanding any other provisions of law, whether relating to the acquisition, handling, or disposal of real or other property by the United States or to other matters, the Administrator, with respect to any property acquired or constructed under the provisions of subchapters II-IV, is authorized by means of Government personnel, selected qualified private agencies, or public agencies (a) to deal with, maintain, operate, administer, and insure; (b) to pursue to final collection by way of compromise or otherwise, all claims arising therefrom; (c) to rent, lease, exchange, sell for cash or credit, and convey the whole or any part of such property and to convey without cost portions thereof to local municipalities for street or other public use. *Provided*, That any such transaction shall be upon such terms, including the period of any lease, as may be deemed by the Administrator to be in the public interest: *Provided further*, That the Administrator shall fix fair rentals on projects developed pursuant to subchapters II-IV, which shall be within the financial reach of persons engaged in national defense: *Provided further*, That any lease authorized hereunder shall not be subject to the provisions of section 303b of Title 40. (Oct. 14, 1940, ch. 862, title III, § 7, 54 Stat. 1127; renumbered § 304, June 28, 1941, ch. 260, § 4 (b), 55 Stat. 363.)

§ 1545. Utilization of Federal and local agencies; employment of private services.

In carrying out the provisions of subchapters II-IV the Administrator is authorized to utilize and act through the Federal Works Agency and other Federal agencies and any local public agency, with the consent of such agency, and any funds appropriated pursuant to subchapters II-IV shall be available for transfer to any such agency in reimbursement therefor. Nothing in subchapters II-IV shall be construed to prevent the Administrator from employing or utilizing the professional services of private persons, firms, or corporations. (Oct. 14, 1940, ch. 862, title III, § 8, 54 Stat. 1127; renumbered § 305, June 28, 1941, ch. 260, § 4 (b), 55 Stat. 363.)

§ 1546. Agreements by Administrator to pay annual sums to local authorities in lieu of taxes.

The Administrator may enter into any agreements to pay annual sums in lieu of taxes to any State or political subdivision thereof, including any Territory or possession of the United States, with respect to any real property acquired and held by him under subchapters II-IV, including improvements thereon. The amount so paid for any year upon any such property shall not exceed the taxes that would be paid to the State or subdivision, including any Territory or possession of the United States, as the case

may be, upon such property if it were not exempt from taxation. (Oct. 14, 1940, ch. 862, title III, § 9, 54 Stat. 1127; renumbered § 306 and amended June 28, 1941, ch. 260, § 4 (b), 55 Stat. 363.)

CODIFICATION

Words "including any Territory or possession of the United States" were inserted upon authority of section 4 (b) of act June 28, 1941, cited to text, which provided that when used in this section the term "State" includes any Territory or possession of the United States "

§ 1547. Preservation of local civil and criminal jurisdiction and civil rights.

Notwithstanding any other provision of law, the acquisition by the Administrator of any real property pursuant to subchapters II-IV shall not deprive any State or political subdivision thereof, including any Territory or possession of the United States, of its civil and criminal jurisdiction in and over such property, or impair the civil rights under the State or local law of the inhabitants on such property. (Oct. 14, 1940, ch. 862, title III, § 10, 54 Stat. 1128; renumbered § 307 and amended June 28, 1941, ch. 260, § 4 (b), 55 Stat. 363.)

CODIFICATION

Words "including any Territory or possession of the United States" were inserted upon authority of section 4 (b) of act June 28, 1941, cited to text, which provided that when used in this section the term "State" includes any Territory or possession of the United States."

§ 1548. Rules and regulations; standards of safety, convenience, and health.

The Administrator is authorized to make such rules and regulations as may be necessary to carry out the provisions of subchapters II-IV and shall establish reasonable standards of safety, convenience, and health. (Oct. 14, 1940, ch. 862, title III, § 11, 54 Stat. 1128; renumbered § 308, June 28, 1941, ch. 260 § 4 (b), 55 Stat. 363.)

§ 1549. Computation of wages for laborers and mechanics.

Notwithstanding any other provision of law, the wages of every laborer and mechanic employed on any construction, repair or demolition work authorized by subchapters II-IV shall be computed on a basic day rate of eight hours per day and work in excess of eight hours per day shall be permitted upon compensation for all hours worked in excess of eight hours per day at not less than one and one-half times the basic rate of pay. Not less than the prevailing wages shall be paid in the construction of defense housing authorized herein. (Oct. 14, 1940, ch. 862, title III, § 12, 54 Stat. 1128; renumbered § 309, June 28, 1941, ch. 260, § 4 (b), 55 Stat. 363.)

§ 1550. Separability clause.

If any provision of subchapters II-IV, or the application thereof to any persons or circumstances, is held invalid, the remainder of subchapters II-IV, or application of such provision to other persons or circumstances shall not be affected thereby. (Oct. 14, 1940, ch. 862, title III, § 13, 54 Stat. 1128; renumbered § 310, June 28, 1941, ch. 260, § 4 (b), 55 Stat. 363.)

§ 1551. Annual report to Congress.

At the beginning of each session of Congress, the Administrator shall make to Congress a full and detailed report covering all of the transactions authorized hereunder. (Oct. 14, 1940, ch. 862, title III, § 14, 54 Stat. 1128; renumbered § 311, June 28, 1941, ch. 260, § 4 (b), 55 Stat. 363.)

Chapter 10.—FEDERAL SECURITY AGENCY (New)

Sec.

1601. Seal

§ 1601. Seal.

The Administrator of the Federal Security Agency is authorized to adopt an official seal to be used as directed by the said Administrator on appropriate occasions in connection with the functions of such Agency or of any office, bureau, board, or establishment which is or shall hereafter become a part of such Agency, and such seal shall be judicially noticed. Copies of any books, records, papers, or other documents in the Federal Security Agency shall be admitted in evidence equally with the originals thereof when authenticated under such seal. (May 9, 1941, ch. 97, 55 Stat. 184.)

Chapter 11.—COMPENSATION FOR DISABILITY OR DEATH TO PERSONS EMPLOYED AT MILITARY, AIR, AND NAVAL BASES OUTSIDE THE UNITED STATES (New)

Sec.

1651. Compensation authorized.

1652. Computation of benefits; application to aliens and nonnationals

1653. Compensation districts; judicial proceedings.

1654. Persons excluded from benefits.

§ 1651. Compensation authorized.

Except as herein modified, the provisions of sections 901-921, 922-950 of Title 33, as amended, and as the same may be amended hereafter, shall apply in respect to the injury or death of any employee engaged in any employment at any military, air, or naval base acquired after January 1, 1940, by the United States from any foreign government or any lands occupied or used by the United States for military or naval purposes in any Territory or possession outside the continental United States, including Alaska, Guantanamo, and the Philippine Islands, but excluding the Canal Zone, irrespective of the place where the injury or death occurs. (Aug. 16, 1941, ch. 357, § 1, 55 Stat. 622.)

§ 1652. Computation of benefits; application to aliens and nonnationals.

(a) The minimum limit on weekly compensation for disability, established by section 906 (b) of Title 33, and the minimum limit on the average weekly

wages on which death benefits are to be computed, established by section 909 (e) of Title 33, shall not apply in computing compensation and death benefits under sections 1651-1654 of this title.

(b) Compensation for permanent total or permanent partial disability under section 908 (c) (21) of Title 33, or for death under sections 1651-1654 of this title to aliens and nonnationals of the United States not residents of the United States or Canada shall be in the same amount as provided for residents, except that dependents in any foreign country shall be limited to surviving wife and child or children, or if there be no surviving wife or child or children, to surviving father or mother whom the employee has supported, either wholly or in part, for the period of one year immediately prior to the date of the injury, and except that the United States Employees' Compensation Commission may at its option or upon the application of the insurance carrier shall, commute all future installments of compensation to be paid to such aliens or nonnationals of the United States by paying or causing to be paid to them one-half of the commuted amount of such future installments of compensation as determined by the Commission. (Aug. 16, 1941, ch. 357, § 2, 55 Stat. 623.)

§ 1653. Compensation districts; judicial proceedings.

(a) The United States Employees' Compensation Commission is authorized to extend compensation districts established under sections 901-921, 922-950 of Title 33, or to establish new compensation districts, to include any area to which sections 1651-1654 of this title apply; and to assign to each such district one or more deputy commissioners, as the Commission may deem necessary.

(b) Judicial proceedings provided under sections 918 and 921 of Title 33 in respect to a compensation order made pursuant to sections 1651-1654 of this title shall be instituted in the United States district court of the judicial district wherein is located the office of the deputy commissioner whose compensation order is involved if his office is located in a judicial district, and if not so located, such judicial proceedings shall be instituted in the judicial district nearest the base at which the injury or death occurs. (Aug. 16, 1941, ch. 357, § 3, 55 Stat. 623.)

§ 1654. Persons excluded from benefits.

Sections 1651-1654 of this title shall not apply in respect to the injury or death of (1) an employee subject to the provisions of sections 751-791, 793 of Title 5, as amended; (2) an employee engaged in agriculture, domestic service, or any employment that is casual and not in the usual course of the trade, business, or profession of the employer; and (3) a master or member of a crew of any vessel. (Aug. 16, 1941, ch. 357, § 4, 55 Stat. 623.)

TITLE 43.—PUBLIC LANDS

Chapter 1.—GENERAL LAND OFFICE

§ 8. Clerk to sign land patents.

REPEATED—Act June 28, 1941, ch. 259, § 1, 55 Stat. 309.

Chapter 2.—GEOLOGICAL SURVEY

§ 46. Exchange of old freight-carrying vehicles as part payment for new.

REPEATED.—Act June 28, 1941, ch. 259, § 1, 55 Stat. 339

Chapter 4.—REGISTERS

§ 90. Incurring expenses.

REPEATED—Act June 28, 1941, ch. 259, § 1, 55 Stat. 310.

Chapter 12.—RECLAMATION AND IRRIGATION OF LANDS BY FEDERAL GOVERNMENT

GENERAL PROVISIONS

§ 373. General authority of the Secretary of the Interior.

CROSS REFERENCES

Delegation of powers and duties of Secretary of Interior under reclamation laws, see section 590z-11 of Title 16, Conservation.

WATER-RIGHT APPLICATIONS AND LAND ENTRIES

§ 433. Character and capital qualification of entrymen.

ADVANCES BY FARM SECURITY ADMINISTRATION AS CAPITAL

Act Aug 7, 1939, ch. 509, 53 Stat. 1238, as amended June 17, 1940, ch. 390, 54 Stat. 402; May 28, 1941, ch. 136, 55 Stat. 206, provided as follows: "During the fiscal year of 1942, in order to further cooperation between the Bureau of Reclamation and the Farm Security Administration in the development of farm units on public lands under Federal reclamation projects, the Secretary of the Interior is authorized, in pursuance of cooperative agreements between the Secretary of Agriculture and the Secretary of the Interior, (1) to consider the money or any part of the money made available to settlers or prospective settlers by the Farm Security Administration, as all or a portion of the capital required of such settlers under subsection C of section 4 of the Act of December 5, 1924 (43 Stat. 702) (Section 433 of this title); and (2) where such farm units have been or may be improved by means of funds made available by the Farm Security Administration, to require an entryman of any such unit to enter into a mortgage contract with the Farm Security Administration to repay the value of such improvements thereon before an entry is allowed."

PAYMENT OF CONSTRUCTION CHARGES

§ 485h. New projects; sale of water and electric power; lease of power privileges.

CROSS REFERENCES

Additional allocations for the Valley Gravity Canal and Storage Project, see section 277f of Title 22, Foreign Relations and Intercourse.

MAINTENANCE AND OPERATION OF WORKS GENERALLY

§ 491. Authority of Secretary to operate works.

CROSS REFERENCES

Delegation of powers and duties of Secretary of Interior under reclamation laws, see section 590z-11 of Title 16, Conservation.

KLAMATH PROJECT, OREGON-CALIFORNIA

§ 611. Availability of revenues from lease of Tule Lake marginal lands for refunds.

REPEATED—Act June 28, 1941, ch. 259, § 1, 55 Stat. 332.

Chapter 22.—RIGHTS-OF-WAY AND OTHER EASEMENTS IN PUBLIC LANDS

Sec.

931a. Authority of Attorney General to grant easements and rights-of-way to states, etc. (New).

§ 931a. Authority of Attorney General to grant easements and rights-of-way to states, etc.

The Attorney General, whenever he deems it advantageous to the Government and upon such terms and conditions as he deems advisable, is hereby authorized on behalf of the United States to grant to any State, or any agency or political subdivision thereof, easements in and rights-of-way over lands belonging to the United States which are under his supervision and control. Such grant may include the use of such easements or rights-of-way by public utilities to the extent authorized and under the conditions imposed by the laws of such State relating to use of public highways. Such partial, concurrent, or exclusive jurisdiction over the areas covered by such easements or rights-of-way, as the Attorney General deems necessary or desirable, is hereby ceded to such State. The Attorney General is hereby authorized to accept or secure on behalf of the United States from the State in which is situated any land conveyed in exchange for any such easement or right-of-way, such jurisdiction as he may deem necessary or desirable over the land so acquired. (May 9, 1941, ch. 94, 55 Stat. 183.)

TITLE 44.—PUBLIC PRINTING AND DOCUMENTS

Chapter 4.—PRINTING AND BINDING GENERALLY

§ 120. Disposition of receipts for work done.

REPEATED.—Act July 1, 1941, ch. 268, § 1, 55 Stat. 463.

Chapter 8.—PARTICULAR REPORTS AND DOCUMENTS

§ 275b. National encampments of Grand Army of Republic, United Spanish War Veterans, Veterans of Foreign Wars, American Legion, and Disabled American Veterans; proceedings printed annually for Congress.

The proceedings of the national encampments of the Grand Army of the Republic, the United Spanish War Veterans, the Veterans of Foreign Wars of the United States, the American Legion, the Military Order of the Purple Heart, and the Disabled American Veterans of the World War, respectively, shall be printed annually, with accompanying illustrations, as separate House documents of the session of the Congress to which they may be submitted. (As amended Sept. 18, 1941, ch. 411, 55 Stat. 686.)

AMENDMENTS

1941—Act Sept. 18, 1941, cited to text, added the words "the Military Order of the Purple Heart."

Chapter 8A.—NATIONAL ARCHIVES

SUBCHAPTER II.—TRUST FUND BOARD (NEW)

Sec.

- 300aa. Short title.
- 300bb. Establishment of Board; membership.
- 300cc. Acceptance of gifts.
- 300dd. Investment of funds.
- 300ee. Trust fund account; disbursements.
- 300ff. Powers and obligations of Board; liability of members.
- 300gg. Tax exemption for gifts.
- 300hh. Authority of Board; adoption of seal; appointment of employees; adoption of bylaws, etc.
- 300ii. Compensation of members; expenses of Board.
- 300jj. Report to Congress.

SUBCHAPTER I.—ADMINISTRATIVE PROVISIONS

This subchapter heading has been inserted to precede section 300 of this title.

SUBCHAPTER II.—TRUST FUND BOARD (NEW)

§ 300aa. Short title.

This subchapter may be cited as the "National Archives Trust Fund Board Act". (July 9, 1941, ch. 284, § 1, 55 Stat. 581.)

§ 300bb. Establishment of Board; membership.

The board is hereby created and established, to be known as the National Archives Trust Fund Board (hereinafter referred to as the "Board"), which shall consist of the Archivist of the United States, as Chairman, and the chairman of the House Library Committee and the chairman of the Senate Library

Committee. Membership on the Board shall not be deemed to be an office within the meaning of the statutes of the United States. (July 9, 1941, ch. 284, § 2, 55 Stat. 581.)

§ 300cc. Acceptance of gifts.

The Board is hereby authorized to accept, receive, hold, and administer such gifts or bequests of money, securities, or other personal property, for the benefit of or in connection with The National Archives, its collections, or its services, as may be approved by the Board. (July 9, 1941, ch. 284, § 3, 55 Stat. 581.)

§ 300dd. Investment of funds.

Any moneys or securities composing trust funds given or bequeathed to the Board shall be receipted for by the Secretary of the Treasury, who shall invest, reinvest, and retain such moneys or securities as the Board may from time to time determine. The Board shall not engage in any business or exercise any voting privilege which may be incidental to securities in such trust funds, nor shall the Secretary of the Treasury make any investments for the account of the Board which could not lawfully be made by a trust company in the District of Columbia, except that he may make any investment directly authorized by the instrument of gift or bequest under which the funds to be invested are derived, and may retain any investments accepted by the Board. (July 9, 1941, ch. 284, § 4, 55 Stat. 581.)

§ 300ee. Trust fund account; disbursements.

The income from any trust funds held by the Board, and the money received and proceeds from the sale of securities and other personal property, as and when collected, shall be covered into the Treasury of the United States in a trust fund account to be known as the National Archives Trust Fund, subject to disbursement by the Division of Disbursement, Treasury Department, on the basis of certified vouchers of the Archivist or his duly authorized agent, except where otherwise restricted by the instrument of gift or bequest, for and in the interest of The National Archives, its collections, or its services, including but not restricted to the preparation and publication of special works and collections of sources and the preparation, duplication, editing, and release of historical photographic materials and sound recordings. The Archivist may make sales of any such publications and releases authorized by this section and paid for out of the income derived from trust funds at a price which will cover their cost and 10 per centum added, and all moneys received from such sales shall be paid into, administered, and expended as a part of the trust fund account herein provided for. (July 9, 1941, ch. 284, § 5, 55 Stat. 581.)

§ 300ff. Powers and obligations of Board; liability of members.

The Board shall have all the usual powers and obligations of a trustee with respect to all property and funds administered by it, but the members of the Board shall not be personally liable, except for malfeasance. (July 9, 1941, ch. 284, § 6, 55 Stat. 582.)

§ 300gg. Tax exemption for gifts.

Gifts and bequests received by the Board under the provisions of this subchapter, and the income therefrom, shall be exempt from all taxes. (July 9, 1941, ch. 284, § 7, 55 Stat. 582.)

§ 300hh. Authority of Board: adoption of seal; appointment of employees; adoption of bylaws, etc.

In carrying out the purposes of this subchapter, the Board shall have authority—

(a) To adopt an official seal, which shall be judicially noticed;

(b) To appoint, or to authorize the Archivist to appoint, without regard to the civil-service laws, all necessary employees, and to fix their duties; and

(c) To adopt bylaws, rules, and regulations necessary for the administration of its functions under this subchapter. (July 9, 1941, ch. 284, § 8, 55 Stat. 582.)

§ 300ii. Compensation of members; expenses of Board.

No compensation shall be paid to the members of the Board for their services as such members. All costs incurred by the Board in carrying out its duties under this subchapter, including the expenditures

necessarily made by the members of the Board in the performance of their duties and the compensation of persons employed by the Board, shall be paid out of income from trust funds available to the Board for the purpose. Unless otherwise restricted by the instrument of gift or bequest, the Board, by resolution duly adopted, may authorize the Archivist to use for such purposes, or for any other purpose or purposes for which funds may be expended under this subchapter, the principal of any gift or bequest accepted under this subchapter. (July 9, 1941, ch. 284, § 9, 55 Stat. 582.)

§ 300jj. Report to Congress.

The Board shall submit to the Congress an annual report of the moneys, securities, and other personal property received and held by it and of its operations. (July 9, 1941, ch. 284, § 10, 55 Stat. 582.)

Chapter 10.—DISPOSITION OF RECORDS**§ 351. Report to Archivist of records without permanent value or historical interest.****DISPOSITION OF REDEEMED FOOD STAMPS**

Act Apr 5, 1941, ch. 40, § 1, 55 Stat. 112, contained the following proviso: "That notwithstanding the provisions of the Act of August 5, 1939 (53 Stat. 1219) (Title 44, §§ 351-361), the Comptroller General of the United States is hereby authorized, in his discretion, to destroy and dispose of stamps issued by the Surplus Marketing Administration of the Department of Agriculture after the said stamps have been paid by the Division of Disbursement of the Treasury Department and audited by the General Accounting Office, either in the field or at the seat of government."

TITLE 46.—SHIPPING

Chapter 2A.—LOAD LINES FOR AMERICAN VESSELS

LOAD LINES FOR VESSELS ENGAGED IN COASTWISE TRADE

§ 88a. Determination of load-water lines by Secretary of Commerce; application of provisions to Great Lakes.

The Secretary of Commerce is hereby authorized and directed in respect of the vessels defined in section 88 of this title to establish by regulations from time to time the load-water lines and marks thereof indicating the maximum depth to which such vessels may safely be loaded and in establishing such load lines due consideration shall be given to, and differentials made for, the various types and character of vessels and the trades in which they are engaged. In establishing load-water lines on passenger vessels due consideration shall be given to, and differentials shall be made for, the age and condition of the vessel, its subdivision and efficacy thereof, and the probable stability of the vessel if damaged: *Provided*, That the load-line provisions of sections 88–88i of this title shall apply to the Great Lakes and that no load line shall be established or marked on any vessel which load line gives a lesser freeboard and less buoyance than the load line established by the International Treaty on Load Lines of 1930, and that the regulations established under this proviso shall have the force of law: *Provided further*, That in applying the load lines to vessels on the Great Lakes and to steam colliers, tugs, barges, and self-propelled barges engaged in special services on inter-island voyages and on coastwise voyages from port to port in the continental United States the Secretary of Commerce is vested with discretion to vary the load-line marks from those established by said treaty when in his opinion the changes made by him will not be above the actual line of safety: *Provided, however*, That during the national emergency proclaimed by the President on May 27, 1941, to exist, but not after June 30, 1943, load lines may be established or marked on any vessel (except a passenger vessel) while engaged on a coastwise voyage by sea from port to port in the continental United States, which load line gives a lesser free board¹ and less buoyance than the load line established by the International Treaty on Load Lines of 1930, when, in the opinion of the Secretary of Commerce, such load line will not be above the actual line of safety. (As amended July 3, 1941, ch. 276, 55 Stat. 578.)

¹So in original. Probably should be one word, “freeboard”.

AMENDMENTS

1941—Proviso authorizing different load lines during national emergency was added by act July 3, 1941, cited to text.

Chapter 3.—CLEARANCE AND ENTRY

§ 111. Vessels in foreign and coasting trade on northern, northeastern, and northwestern frontiers.

Enrolled or licensed vessels engaged in the foreign and coasting trade on the northern, northeastern, and northwestern frontiers of the United States, departing from or arriving at a port in one district to or from a port in another district, and also touching at intermediate foreign ports, shall not thereby become liable to the payment of entry and clearance fees, as if from or to foreign ports; but such vessel shall, notwithstanding, be required to enter and clear; except that when such vessels are on such voyages on the Great Lakes and touch at foreign ports for the purpose of taking on bunker fuel only, they may be exempted from entering and clearing under such rules and regulations as the Secretary of Commerce may prescribe, notwithstanding any other provisions of law: *Provided*, That this exception shall not apply to such vessels if, while at such foreign port, they land or take on board any passengers, or any merchandise other than bunker fuel, receive orders, discharge any seamen by mutual consent, or engage any seamen to replace those discharged by mutual consent, or transact any other business save that of taking on bunker fuel. (As amended Sept. 25, 1941, ch. 423, 55 Stat. 733.)

AMENDMENTS

1941—Act Sept. 25, 1941, cited to text, added exception and proviso at end of section.

Chapter 4.—TONNAGE DUTIES

§ 123. Vessels in foreign and coasting trade on northern, northeastern, and northwestern frontiers.

Enrolled or licensed vessels engaged in the foreign and coasting trade on the northern, northeastern, and northwestern frontiers of the United States, departing from or arriving at a port in one district to or from a port in another district, and also touching at intermediate foreign ports, shall not thereby become liable to the payment of tonnage tax, as if from or to foreign ports; but such vessel shall, notwithstanding, be required to enter and clear; except that when such vessels are on such voyages on the Great Lakes and touch at foreign ports for the purpose of taking on bunker fuel only, they may be exempted from entering and clearing under such rules and regulations as the Secretary of Commerce may prescribe, notwithstanding any other provisions of law: *Provided*, That this exception shall not apply to such vessels if, while at such foreign port, they land or take on board any passengers, or any merchandise other than bunker fuel, receive orders, discharge any seamen by mutual consent, or engage any seamen to replace those discharged by mutual consent, or transact any other business save that of

taking on bunker fuel. (As amended Sept. 25, 1941, ch. 423, 55 Stat. 733)

AMENDMENTS

1941—Act Sept. 25, 1941, cited to text, added exception and proviso at end of section.

Chapter 7.—CARRIAGE OF EXPLOSIVES OR DANGEROUS SUBSTANCES

§ 170. Regulation of carriage of explosives or other dangerous articles on vessels.

CROSS REFERENCES

Carrying or possessing explosives or dangerous weapons on certain vessels prohibited, see sections 503, 504 of Title 18, Criminal Code and Criminal Procedure

Chapter 11.—OFFICERS AND CREWS OF VESSELS

§ 222. Complement of officers and crew of vessels; penalties.

CROSS REFERENCES

Radio operators, approval by Secretary of Navy during national emergency, see note under section 353 of Title 47, Telegraphs, Telephones, and Radiotelegraphs.

§ 242. Registration of pursers and surgeons; creation of staff departments on vessels; medical division; purser's division.

There shall be registered staff officers in the United States merchant marine in the following grades: (1) Chief purser, (2) purser, (3) senior assistant purser, (4) junior assistant purser, (5) surgeon. The Secretary of Commerce (in sections 242–248 and 701 of this title called the Secretary) shall register, and issue certificates of registry to, qualified individuals applying for registry in such grades, as hereinafter provided, and every such individual when so registered and serving in the staff department on a vessel of the United States shall rank as a staff officer on such vessel. Officers registered under the provisions of sections 242–248 and 701 of this title and pursers' clerks and such persons as may be assigned to the senior registered surgeon shall constitute a separate and independent department on vessels of the United States to be known as the staff department. Such staff department shall be composed of a medical division and a purser's division. The medical division shall be under the charge of the senior registered surgeon on such vessel, who shall be responsible solely to the master. The purser's division shall be under the charge of the senior registered purser on such vessel, who shall be responsible solely to the master. On oceangoing vessels licensed to carry more than one hundred passengers, such officer in charge of the purser's division of the staff department shall be a registered chief purser; and whenever more than three persons are employed in the purser's division of the staff department on such vessels, there shall be a minimum of one registered senior assistant purser and one registered junior assistant purser in such purser's division of that staff department. No person shall be eligible for registry as a staff officer under the provisions of sections 242–248 and 701 of this title who is not a citizen of the United States. (As amended Sept. 24, 1941, ch. 416, 55 Stat. 729.)

AMENDMENTS

1941—Act Sept. 24, 1941, cited to text, amended section by dividing staff department into two divisions, namely, medical division and purser's division

Chapter 18.—MERCHANT SEAMEN

PROTECTION AND RELIEF

Sec

- 672-1 Exception to section 672; certain sail vessels (New)
672-2 Same; certain persons as able seamen (New)
672b-1. Exception to section 672; seagoing barges (New).

SHIPPING COMMISSIONERS

§ 544. Vessels in coastwise trade.

AMENDMENTS

Act Mar. 3, 1911, cited to text, imposed upon the district courts the powers and duties formerly conferred upon circuit courts. This affected the words "circuit courts" appearing in act June 9, 1874, also cited, which words were from the title of another act referred to in said act June 9, 1874, and translated in this section as "sections 201–203 * * * of this title".

PROTECTION AND RELIEF

§ 672. Requirements, qualifications, and regulations as to crews.

TEMPORARY EMPLOYMENT OF PERSONS NOT QUALIFIED AS ABLE SEAMEN

Act Sept. 24, 1941, ch. 417, 55 Stat. 730, provided: "That notwithstanding the provisions of section 13 (a) of the Act of March 4, 1915, as amended (U. S. C., 1934 edition, Supp. V., title 46, sec. 672 (a)), during the emergency declared by the President on May 27, 1941, to exist, but not after June 30, 1943, the Secretary of Commerce, with respect to any vessel or any group of vessels or any industry and upon a finding, after investigation, that qualified able seamen are not available in sufficient numbers to man such vessels as required by said section, may, in his discretion, allow seamen, examined and rated able seamen under said section after having served on deck twelve months at sea or on the Great Lakes, to compose not more than one-half of the number of able seamen required by such section to be shipped or employed upon any vessel, for such period or periods as he deems necessary and as he may by regulation or order prescribe."

§ 672-1. Exception to section 672; certain sail vessels.

The provisions of section 672 of this title, relating to the manning of certain vessels, shall not apply to any sail vessel of less than five hundred tons registered tonnage, while not carrying passengers for hire, and while not operating outside the line dividing inland waters from the high seas, as defined in section 151 of Title 33. (July 8, 1941, ch. 280, 55 Stat. 579.)

§ 672-2. Same; certain persons as able seamen.

Notwithstanding any provision of section 672 of this title, every person may be rated as an able seaman for the purpose of serving on vessels of not more than five hundred gross tons, on bays and sounds, when such vessels are not carrying passengers, who is nineteen years of age and upward and who has had at least twelve months of service on deck at sea or on the Great Lakes or on the bays and sounds connected directly with the seas. (July 8, 1941, ch. 279, 55 Stat. 579.)

§ 672b-1. Exception to section 672; seagoing barges.

Notwithstanding any provision of section 672 of this title, every person may be rated as an able seaman for the purpose of serving on seagoing barges who is nineteen years of age and upward, and who has had at least twelve months of service on deck at

sea or on the Great Lakes or on the bays and sounds connected directly with the seas. (Sept. 25, 1941, ch. 422, 55 Stat. 732.)

Chapter 19.—WRECKS AND SALVAGE

GENERAL PROVISIONS (NEW)

Sec.

732. Secretary of Navy to provide salvage facilities during war or emergency.

GENERAL PROVISIONS (NEW)

§ 732. Secretary of Navy to provide salvage facilities during war or emergency.

The Secretary of the Navy is hereby authorized during war or national emergency—

(a) To provide, by contract or otherwise, necessary salvage facilities for both public and private vessels upon such terms and conditions as he may, in his discretion, determine to be in the best interests of the United States.

(b) To acquire or to transfer, by charter or otherwise, for operation by private salvage companies, such vessels and equipment as he may deem necessary.

(c) To advance to private salvage companies such funds as may, in his judgment, be necessary to provide for the immediate financing of salvage operations, these advances to be on such terms and under such conditions as he may deem adequate for the protection of the Government. (Oct. 24, 1941, ch. 458, § 1, 55 Stat. 745.)

APPROPRIATIONS

Section 2 of act Oct. 24, 1941, cited to text, provided as follows: "There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such funds not in excess of \$3,000,000 annually, as may be necessary to effectuate the purposes of this Act."

Chapter 23.—SHIPPING ACT

§ 835. Restrictions on transfer of shipping facilities during war or national emergency.

CROSS REFERENCES

Seizure of foreign vessels during national emergency, see note preceding section 1101 of this title.

Chapter 24.—MERCHANT MARINE ACT, 1920

§ 883. Transportation of merchandise between points in United States in other than domestic-built and documented vessels.

TRANSPORTATION OF IRON ORE IN VESSELS OF CANADIAN REGISTRY FOR YEAR 1941

Act May 31, 1941, ch. 158, 55 Stat. 236 provided: "That by reason of emergency conditions in transportation on the Great Lakes, notwithstanding the provisions of section 27 of the Act of Congress approved June 5, 1920 (41 Stat. 999) (section 883 of Title 46), as amended by Act of Congress approved April 11, 1935 (49 Stat. 154), and by Act of Congress approved July 2, 1935 (49 Stat. 442), or the provisions of any other Act of Congress or regulation, vessels of Canadian registry shall be permitted to transport iron ore between United States ports on the Great Lakes during the 1941 season of navigation on the Great Lakes."

Chapter 27.—MERCHANT MARINE ACT, 1936

SUBCHAPTER II.—UNITED STATES MARITIME COMMISSION

Sec.

1119a. Same; emergency cargo ship construction (New).

1119b. Same; application of other laws to section 1119a (New).

Sec.

1125a. Construction, repair, etc., of vessels for government agencies (New).

SUBCHAPTER VIII.—CONTRACT PROVISIONS

1214 Amount of contract authorizations (New).

SUBCHAPTER I.—DECLARATION OF POLICY

SEIZURE OF SHIPS DURING NATIONAL EMERGENCY

Act June 6, 1941, 11 a. m., E. S. T., ch. 174, §§ 1-5, 55 Stat. 242-245 provided:

"Sec 1. (*Purchase, requisition, etc., of foreign vessels authorized during national emergency; compensation, claims against vessels.*) That whereas Congress has power to provide for the common defense and general welfare and to regulate commerce with foreign nations and whereas for this purpose embargo Acts and nonintercourse Acts have from time to time been passed and whereas the commerce of the United States is at the present time interrupted and the general welfare of its citizens is threatened and an emergency has been declared, for the purposes of national defense, during the existence of the national emergency declared by the President on September 8, 1939, to exist, but not after June 30, 1942, the President is authorized and empowered, through such agency or officer as he shall designate, to purchase, requisition, for any period during such emergency charter or requisition the use of, or take over the title to, or the possession of, for such use or disposition as he shall direct, any foreign merchant vessel which is lying idle in waters within the jurisdiction of the United States, including the Philippine Islands and the Canal Zone, and which is necessary to the national defense: *Provided*, That just compensation shall be determined and made to the owner or owners of any such vessel in accordance with the applicable provisions of section 902 of the Merchant Marine Act, 1936, as amended (section 1242 of this title): *Provided further*, That such compensation hereunder shall be deposited with the Treasurer of the United States, and the fund so deposited shall be available for the payment of such compensation, and shall be subject to be applied to the payment of the amount of any valid claim by way of mortgage or maritime lien or attachment lien upon such vessel, or of any stipulation therefor in a court of the United States, or of any State, subsisting at the time of such requisition or taking of title or possession; the holder of any such claim may commence within six months after such deposit with the Treasurer and maintain in the United States District Court from whose custody such vessel has been or may be taken or in whose territorial jurisdiction the vessel was lying at the time of requisitioning or taking of title or possession, a suit in admiralty according to the principles of libels in rem against the fund, which shall proceed and be heard and determined according to the principles of law and to the rules of practice obtaining in like cases between private parties; and such suit shall be commenced in the manner provided by section 2 of the Suits in Admiralty Act (section 742 of this title) and service of process shall be made in the manner therein provided by service upon the United States attorney and by mailing by registered mail to the Attorney General and the United States Maritime Commission and due notice shall under order of the court be given to all interested persons, and any decree shall be subject to appeal and revision as now provided in other cases of admiralty and maritime jurisdiction: *Provided further*, That if the Maritime Commission, after consideration by it of evidence submitted to it within ten days after the approval of this Act, shall find that on September 3, 1939, and continuously thereafter, any vessel was exclusively owned, used and operated for its exclusive sovereign purposes by a sovereign nation making claim therefor, such vessel may be taken under this section only by purchase or charter; and in determining said ownership, use and operation the Commission shall disregard (1) all contributions made in whole or in part at any time to the construction, repair, reconditioning, equipping or operation of said vessel, (2) all such matters, in nature similar to or dissimilar from, the foregoing clause as in the opinion of the Commission are immaterial or irrelevant to the determination of such ownership. Use

of such vessel at any time since September 3, 1939, in commercial trade shall be presumptively deemed to show that said vessel is not owned, used and operated by a sovereign nation for its sovereign purposes. The final determination by the Maritime Commission shall be conclusive: *Provided further*, That if any vessel shall be found under the proviso next preceding to be exclusively owned, used and operated by any sovereign nation so that it can only be chartered or purchased, and such vessel shall be chartered or purchased, then the cash to be paid for said charter or purchase, to the extent that may be necessary, after payment of existing claims and liens of creditors against said vessel, shall be held for application upon such debt, if any, as may be due to the United States from the sovereign nation so found to have exclusive ownership to said vessel. *Provided further*, That the Maritime Commission and the Department of Justice are authorized to make just provisions out of funds provided in section 2 of this Act for employees displaced by the taking of any ship hereunder and report to the Congress their action within thirty days after the enactment of this Act.

"Sec 2 (*Availability of appropriation funds.*) Funds appropriated by the Act of March 27, 1941 (ch 30), (Public Law 23, Seventy-seventh Congress), are hereby made available to carry out the provisions of section 1 hereof, including payment of the costs of repair, reconstruction, or reconditioning necessary or incidental to the use or disposition under this Act of vessels acquired, or the use or possession of which is acquired, under such section.

"Sec 3. (*Charter of domestic and foreign vessels; insurance, inapplicability to Neutrality Act of 1939.*) (a) During the national emergency declared by the President on September 8, 1939, to exist, but not after June 30, 1942, the United States Maritime Commission, whenever it finds that vessels in addition to those otherwise available are necessary for transportation of foreign commerce of the United States or of commodities essential to the national defense, is authorized, notwithstanding any other provision of law, (1) to charter any vessel, whether undocumented or documented under the laws of the United States or of a foreign country, deemed by the Commission to be suitable for such transportation, without regard to the provisions of section 3709 of the Revised Statutes, (section 5 of Title 41), on a time-charter or bare-boat basis, upon such terms and conditions, and for such period or periods, as the Commission may deem necessary or desirable in the public interest, and at such rate of hire as it may deem to be fair and reasonable in view of the attendant circumstances, and (2) to charter any vessel chartered by the Commission under clause (1) hereof to a private operator, a citizen of the United States (including a corporation, partnership, or association, only if it is a citizen of the United States within the meaning of section 2 of the Shipping Act, 1916, as amended) (section 802 of this title), or to any department or agency of the United States Government, without regard to the provisions of title VII of the Merchant Marine Act, 1936 (sections 1191-1204 of this title), on time-charter or bare-boat basis, for use in any foreign trade or service or as otherwise hereinafter provided, upon such terms and conditions, for such period or periods, and subject to such restrictions as the Commission may deem necessary or desirable for the protection of the public interest, and at such rate of hire as it may deem to be fair and reasonable. Any department or agency of the United States Government is authorized to enter into such charters. All moneys received by the Commission under the provisions of this subsection shall be deposited in the construction fund of the Commission, and all disbursements made by the Commission in carrying out the provisions of this subsection shall be paid from such fund.

"(b) The Commission is authorized to provide such insurance and reinsurance with respect to vessels (including any interest of the owner or charterer) chartered, purchased, requisitioned, or the title to which or the possession of which is taken over, under this Act, as it may deem necessary in connection with the operation, use, or disposition thereof under this Act, whenever it appears to the Commission that adequate and satisfactory insurance is not otherwise obtainable at reasonable rates and upon

reasonable terms and conditions. The fund established pursuant to Public Resolution Numbered 94, Seventy-sixth Congress, approved July 18, 1940 (ch. 639) (54 Stat 766), shall be available for all purposes of this subsection, and all moneys received from premiums and from salvage or other recoveries and all receipts in connection with such insurance shall be deposited to the credit of such fund, and all disbursements made by the Commission in carrying out the provisions of this subsection, including the payment of return premiums and all liabilities incurred hereunder, shall be paid from such fund. The provisions of sections 225 and 226 (a) to (e), inclusive, of the Merchant Marine Act, 1936, as amended (sections 1128d, 1128e of this title) shall be applicable in the administration of this subsection.

"(c) Nothing in this Act shall be construed to modify or affect any provision of the Neutrality Act of 1939, as amended (sections 441-457 of Title 22).

"Sec. 4 (*Purchase of domestic or foreign vessels; operation or charter by Commission.*) Whenever the United States Maritime Commission is authorized to charter vessels under section 3 hereof, it is further authorized, notwithstanding any other provision of law, to purchase any vessel, whether undocumented or documented under the laws of the United States or of a foreign country, deemed by the Commission to be suitable for transportation of foreign commerce of the United States or of commodities essential to the national defense, without regard to the provisions of section 3709 of the Revised Statutes (section 5 of Title 41), at such price and upon such terms and conditions as it may deem fair and reasonable and in the public interest. Such vessels and vessels otherwise acquired by or made available to the Commission may be chartered as provided in section 3 of this Act, or operated by the Commission upon such terms and conditions as it may deem desirable and in the public interest, giving primary consideration to the needs of national defense, but no vessel constructed under the provisions of the Merchant Marine Act, 1936, as amended, (chapter 27 of this title), may be chartered to a private operator hereunder. All moneys received by the Commission under the provisions of this section shall be deposited in the construction fund of the Commission, and all disbursements made by the Commission in carrying out the provisions of this section or section 5 (f) (except as provided in section 2) shall be paid from such fund.

"Sec 5. (*Documentation of vessels requisitioned, purchased, etc., waiver of or exception to existing laws, coastwise trade permits; repair of vessels; effect of termination of Act*) (a) Notwithstanding any other provision of law, during the effective period of section 3 of this Act, any vessel (except a vessel constructed under the provisions of the Merchant Marine Act, 1936, as amended), not documented under the laws of the United States, acquired by or made available to the Commission under this Act or otherwise, may (1) in the discretion of the Secretary of Commerce be documented as a vessel of the United States under such rules and regulations or orders, and with such limitations, as the Secretary of Commerce may prescribe or issue as necessary or appropriate to carry out the purposes and provisions of this Act; and (2) in accordance with the provisions of subsection (c) hereof engage in the coastwise trade when so documented. Any document issued to a vessel under the provisions of this Act shall be surrendered at any time that such surrender may be ordered by the Secretary of Commerce. No vessel, the surrender of the documents of which has been so ordered, shall, after the effective date of such order, have the status of a vessel of the United States unless documented anew.

"(b) Notwithstanding any other provisions of law, the President may, by rules and regulations or orders, waive compliance with any provision of law relating to masters, officers, members of the crew, or crew accommodations on any vessel documented under authority of this Act to such extent and upon such terms as he finds necessary because of the lack of physical facilities on said ships, and because of the need to employ aliens for their operation. No vessel shall cease to enjoy the benefits and privileges of a vessel of the United States by reason of the employment of any person in accordance with the provisions of this subsection.

"(c) Any vessel while documented under the provisions of this Act, when chartered hereunder by the Commission to other Government agencies or departments or to private operators, may engage in the coastwise trade under permits issued by the Commission, which is hereby authorized to issue permits for such purpose pursuant to such rules and regulations as it may prescribe. The Commission is hereby authorized to prescribe such rules and regulations as it may deem necessary or appropriate to carry out the purposes and provisions of this Act.

"(d) The second paragraph of section 9 of the Shipping Act, 1916, as amended (section 808 of this title) shall not apply with respect to vessels chartered to other Government agencies or departments or to private operators under section 3 or section 4 of this Act.

"(e) Existing laws covering the inspection of steam vessels are hereby made applicable to vessels documented under this Act only to such extent and upon such conditions as may be required by the regulations of the Board of Supervising Inspectors with the approval of the Secretary of Commerce. *Provided*, That in determining to what extent those laws should be made applicable, due consideration shall be given to the primary purpose of transporting commodities essential to the national defense.

"(f) The Commission without regard to the provisions of section 3709 of the Revised Statutes (section 5 of Title 41) may repair, reconstruct, or recondition any vessels to be utilized under this Act. Any other Government department or agency by which any vessel is acquired or chartered, or to which any vessel is transferred or made available under this Act may, with the aid of any funds available, and without regard to the provisions of said section 3709 (section 5 of Title 41), repair, reconstruct, or recondition any such vessels to meet the needs of the services intended, or provide facilities for such repair, reconstruction, or reconditioning.

"(g) In case of [So in original. Probably should read "a"] voyage of a vessel documented under the provisions of this Act is begun before the date of termination of the effective period of section 3, but is completed after such date, the provisions of this section shall continue in effect with respect to such vessel until such voyage is completed.

"(h) When used in this Act, the term 'documented' means 'registered' and 'enrolled and licensed'."

Carrying or possessing explosives or dangerous weapons on vessels taken over under act June 6, 1941, ch. 114, cited as note above, see sections 503, 504 of Title 18, Criminal Code and Criminal Procedure

Seizure of Merchant Marine Training Ships for Coast Guard, see note preceding section 51 of Title 14, Coast Guard

EX. ORD. NO. 8869. WAIVING PROVISIONS OF ACT JUNE 6, 1941, CH. 174, § 5 (b), RELATING TO MASTER, CREW, ETC. ON CERTAIN VESSELS

Ex. Ord. No. 8869, Aug 23, 1941, 6 Fed. Reg. 4351, provided in part:

Now, therefore, by virtue of the authority vested in me by the above-quoted statutory provisions, (section 5 (b) of act June 6, 1941, ch. 174, 55 Stat. 242) it is hereby ordered as follows:

1. The Secretary of Commerce, from time to time upon request of the United States Maritime Commission, is authorized and directed to make due investigation of the physical facilities on each vessel documented under the authority of the said act of June 6, 1941, and of the need to employ aliens for the operation of the vessel.

2. Whenever the Secretary of Commerce, upon the basis of his investigation as to any such vessel, shall find (a) that the physical facilities of the vessel are not adequate to meet the requirements of the laws of the United States, or (b) that the employment of an alien master, officers, or crew is necessary for its operation, he shall certify such finding or findings, and the extent to and the terms upon which the waiver of compliance with any of the said laws may be made with safety and is necessitated by reason of such finding or findings, to the United States Maritime Commission, whereupon such provisions of law shall be waived to the extent and upon the terms set forth in such certification.

PRIORITIES IN TRANSPORTATION BY MERCHANT VESSELS DURING NATIONAL EMERGENCY

Act July 14, 1941, ch. 297, 55 Stat. 591 provided:

"That during the emergency declared by the President on May 27, 1941, to exist but not after June 30, 1943, the President may, notwithstanding any other provisions of law, whenever he deems it in the interest of national defense, including the maintenance of essential supplies and services, authorize the United States Maritime Commission to issue warrants as hereinafter provided with respect to any vessel documented under the laws of the United States or any vessel not so documented but owned by a citizen of the United States. Such warrants may also be issued to foreign-flag vessels not owned by citizens of the United States upon application therefor by the owner of said vessel or the charterer thereof on behalf of such owner. Such application shall be in such form as the United States Maritime Commission may prescribe. All warrants shall be issued and may be revoked pursuant to regulations issued by the United States Maritime Commission with the approval of the President.

"Sec. 2. The warrants to be issued pursuant to this Act shall be in such form as the Maritime Commission shall prescribe, and shall set forth the conditions to be complied with by the affected vessel as a condition to receiving the priorities and other advantages provided in this Act, by reference to an undertaking of the owner or charterer with respect to the trades in which such vessel shall be employed, the voyages which it shall undertake, the class or classes of cargo or passengers to be carried, the fair and reasonable maximum rate of charter-hire or equivalent, and such incidental and supplementary matters as appear to the United States Maritime Commission to be necessary or expedient for the purposes of the warrant. Nothing in this Act shall authorize the United States Maritime Commission to require the owner or charterer to relinquish the manning, storing, victualing, supplying, fueling, maintaining, or repairing of his vessel to any other person or persons. Nothing in this Act shall be deemed to alter, amend, or repeal any of the coastwise laws of the United States.

"Sec. 3. Vessels holding warrants issued pursuant to this Act shall be entitled to priority over merchant vessels not holding such warrants, with respect to the use of facilities for loading, discharging, lighterage or storage of cargoes, the procurement of bunker fuel or coal, and the towing, overhauling, drydocking or repair of such vessels. Vessels holding warrants shall have such priority as among themselves, as the United States Maritime Commission shall determine to be necessary and advisable in the interests of national defense, or as may be specified in the warrants. Persons in the United States, including the Philippine Islands and the Canal Zone, furnishing any of the above-mentioned facilities shall be authorized, and under rules and regulations prescribed by the United States Maritime Commission with the approval of the President may be required, to grant such priorities, anything in any contract whether heretofore or hereafter made to the contrary notwithstanding.

"Sec. 4. In the administration of this Act it shall be the policy of the Commission to make fair and reasonable provision for priorities with respect to (1) the importation of substantial quantities of strategic and critical materials, (2) the transportation of substantial quantities of materials when such transportation is requested by any defense agency, and (3) the transportation in the foreign or domestic commerce of the United States of substantial quantities of materials deemed by the Commission to be essential to the defense of the United States: *Provided*, That there shall be no unjust discrimination between ports of the United States. Nothing in this Act shall authorize the exaction of any sum from the holder of a warrant solely for the privilege of carrying cargo on any route. Vessels that on January 1, 1941, were engaged primarily in the coastwise transportation of coal for national defense and domestic consumption shall be granted warrants only so long as they continue in the same service as of said date, except that in case any such vessel ceased, before June 15, 1941, to engage in such transportation of coal and before such date became principally engaged in the transportation of defense materials, the Commission

may grant such vessel a warrant for such service as it deems suitable pursuant to section 2

"Sec 5 The term 'citizen of the United States' as used in this Act includes corporations, partnerships, and associations existing, authorized, or organized under the laws of the United States or any State, district, Territory, or possession thereof

"Sec. 6. Whoever willfully violates any rule, regulation, or order issued under the authority conferred herein shall be punished by a fine of not more than \$5,000, or by imprisonment for not more than two years or both: *Provided*, That the District Court of the Canal Zone and the several courts of first instance of the Commonwealth of the Philippine Islands shall have jurisdiction over offenses committed against the provisions of this Act within the Canal Zone and the Philippine Islands, respectively."

SUBCHAPTER II.—UNITED STATES MARITIME COMMISSION

§ 1119a. Same; emergency cargo ship construction.

For the purpose of providing as rapidly as possible cargo ships essential to the commerce and defense of the United States there is hereby appropriated to the United States Maritime Commission, out of any money in the Treasury not otherwise appropriated, the sum of \$313,500,000, to remain available until expended, which amount shall be additional to the \$500,000 allocated from the Emergency Fund for the President in the Act of June 13, 1940, ch. 343, § 1, 55 Stat. 377, and \$36,000,000 to be allocated during the fiscal year 1942 from funds available for the payment of obligations incurred for the purposes hereof under the contract authorizations under such emergency fund for the President, the total of such sums, aggregating \$350,000,000, to be known as the "Emergency Ship Construction Fund, United States Maritime Commission", which fund shall be available for the payment of said contract authorizations and for (1) the construction in the United States of ocean-going cargo vessels of such type, size, and speed as the Commission may determine to be useful in time of emergency for carrying on the commerce of the United States and to be capable of the most rapid construction; (2) the production and procurement of parts, equipment, material, and supplies for such ships; (3) the establishment, acquisition, construction, enlargement, or extension of plants or facilities, on land whether owned by the Government or otherwise owned (including the acquisition by purchase or condemnation of real property or any interest therein), to be used for the construction of ships or for the production of parts, equipment, supplies, or material therefor, and the maintenance, repair, operation (under lease or otherwise), and management of such plants and facilities; and (4) all administrative expenses in connection with the program provided herein including personal services at the seat of government and elsewhere: *Provided*, That the employment of personnel engaged in the maintenance, repair, operation, or management of plants or facilities shall be without regard to the civil service and classification laws: *Provided further*, That no part of this appropriation shall be used to pay the salary or wages of any person who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided further*, That for the purposes hereof an affidavit shall be

considered prima facie evidence that the person making the affidavit does not advocate, and is not a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided further*, That any person who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence and accepts employment the salary or wages for which are paid from this appropriation shall be guilty of a felony and, upon conviction, shall be fined not more than \$1,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penalty clause shall be in addition to, and not in substitution for, any other provisions of existing law. (Feb. 6, 1941, ch. 5, § 1, 55 Stat. 5.)

ADDITIONAL APPROPRIATIONS

Act Aug. 25, 1941, ch. 409, title III, 55 Stat. 682 appropriated an amount not to exceed \$1,296,650,000 to enable the Commission to enter into further contracts for the construction of vessels, production and procurement of parts, equipment, plants, etc.

§ 1119b. Same; application of other laws to section 1119a.

The provisions of section 1117 of this title and the Act of October 10, 1940, ch. 833, 54 Stat. 1092, shall apply to all the activities and functions which the Commission is authorized to perform under section 1119a of this title; and the Commission is authorized to carry on the objects, activities, and functions provided for in section 1119a of this title, without regard to the provisions of section 733 of Title 33, section 529 of Title 31, and section 5 of Title 41; section 744g of Title 18, relating to the purchase of prison-made goods; sections 270a-270d of Title 40, requiring performance and other bonds on public works; section 303b of Title 40, relating to the lease of Government property, and any provision of law relating to the disposal of surplus Government property. (Feb. 6, 1941, ch. 5, § 2, 55 Stat. 6.)

REFERENCES IN TEXT

Act Oct. 10, 1940, referred to in the text, is set out in note under section 326 of Title 40, Public Buildings, Property, and Works.

§ 1125a. Construction, repair, etc., of vessels for government agencies.

The Commission is authorized to construct, reconstruct, repair, equip, and outfit, by contract or otherwise, vessels or parts thereof, for any other department or agency of the Government, to the extent that such other department or agency is authorized by law to do so for its own account, and any obligations heretofore or hereafter incurred by the Commission for any of the aforesaid purposes shall not diminish or otherwise affect any contract authorization granted to the Commission: *Provided*, The obligations incurred or the expenditures made are charged against and, to the amount of such obligation or expenditure, diminish the existing appropriation or contract authorization of such department or agency. (Feb. 6, 1941, ch. 5, § 4, 55 Stat. 6.)

CROSS REFERENCES

Temporary emergency provisions for negotiating contracts without advertisements or bids, see note preceding section 1211 of this title.

SUBCHAPTER V.—CONSTRUCTION—DIFFERENTIAL SUBSIDY

§ 1152. Construction of vessels; bids; subsidies.

TEMPORARY EMERGENCY PROVISIONS FOR DETERMINING FOREIGN CONSTRUCTION COSTS

Res June 11, 1940, "shall continue in effect during the national emergency declared by the President on September 8, 1939, to exist (Proc No. 2352, set out in note preceding chapter 1 of Title 50), but not after June 30, 1942," by authority of act May 2, 1941, ch. 84, § 1, 55 Stat. 148.

SUBCHAPTER VII.—PRIVATE CHARTER OPERATION

§ 1195. Employment of vessels on foreign trade routes; selection of routes; encouraging private operation by sale or charter; selling price.

TEMPORARY EMERGENCY PROVISIONS FOR CHARTER OF COMMISSION'S VESSELS TO PRIVATE OPERATORS FOR FOREIGN TRADE

Act May 2, 1941, ch. 84, § 3, 55 Stat. 149, provided as follows:

"Sec 3 Whenever, during the national emergency declared by the President on September 8, 1939, to exist (Proc No. 2352, set out in note preceding chapter 1 of Title 50), but not after June 30, 1942, the Maritime Commission determines that operation in the foreign trade under charter to a private operator of any vessel of the Commission available for the purposes hereof is necessary for the maintenance of the foreign commerce of the United States, and that the necessary service cannot be so provided as to meet effectively such needs under the provisions of the Merchant Marine Act, 1936, as amended (Title 46, § 1101 et seq.), the Commission may, notwithstanding any other provision of law, charter such vessel to a private operator, a citizen of the United States (as defined in section 2 of the Shipping Act, 1916, as amended (Title 46, §§ 802, 803)), for use in such foreign trades or services as the Commission may prescribe, on time or bareboat basis, with or without competitive bidding or advertisement, upon such terms and conditions, for such period or periods, and subject to such restrictions, as the Commission may deem necessary or desirable for the protection of the public interest, and at such rate of charter as it may deem to be fair and reasonable in view of the attendant circumstances, but if the vessel is one constructed under the said Act, not lower than the minimum charter hire would be if the vessel were chartered under the provisions of section 714 of the said Act, as amended (Title 46, § 1204) Nothing in this Act (Title 22, § 420; Title 46, §§ 1152, 1195, notes, and notes preceding sections 1211 and 1251) shall be construed to modify or affect any provision of the Neutrality Act of 1939, as amended (Title 22, § 441 et seq.)."

SUBCHAPTER VIII.—CONTRACT PROVISIONS

TEMPORARY EMERGENCY PROVISIONS FOR NEGOTIATING CONTRACTS WITHOUT ADVERTISEMENTS OR BIDS

Act May 2, 1941, ch. 84, § 2, 55 Stat. 148, provided as follows:

"Sec. 2. (a) Whenever deemed by the President of the United States to be in the best interests of the national commerce and defense during the national emergency declared by the President on September 8, 1939, to exist (Proc. No. 2352, set out in note preceding chapter 1 of Title 50), but not after June 30, 1942, (1) the United States Maritime Commission is hereby authorized, subject to the provisions of subsections (b) and (c) hereof, to negotiate contracts for the acquisition, construction, reconstruction, alteration, reconditioning, repair, outfitting, or equipping of complete vessels, or any portion thereof, including plans, spare parts, and equipment therefor, that the Commission has been or may be authorized to acquire, construct, reconstruct, alter, recondition, repair, outfit, or equip, pursuant to the Merchant Marine Act, 1936, as amended (Title 46, § 1101 et seq.), or

section 4 of Public Law Numbered 5, Seventy-seventh Congress, approved February 6, 1941 (Title 46, § 1125a), with or without advertising or competitive bidding upon determination that the price is fair and reasonable; (2) upon its determination that such action is in the best interests of the national commerce and defense because of changes in conditions occurring after the execution of its contracts heretofore or hereafter entered into for the construction, reconstruction, alteration, reconditioning, repair, outfitting, or equipping of vessels, the Commission is hereby authorized to modify such contracts in conformity with provisions hereof relating to negotiated contracts, and to adjust the payments to be made thereunder, but the aggregate amount payable to the contractor under any contract modified pursuant hereto shall not exceed the amount which would have been payable if the contract as modified had been entered into under the authority of this section; (3) the furnishing of materials and performance of work required for or in connection with contracts made by the Commission for the acquisition, construction, reconstruction, alteration, reconditioning, repair, outfitting, or equipping of vessels shall, in the discretion of the President, take priority over the furnishing of materials or performance of work for private account or for export.

"(b) The provisions of Public Law Numbered 831, Seventy-sixth Congress, approved October 10, 1940 (54 Stat. 1092 (Title 40, § 326 note)) (relating to compensation for all hours worked by laborers and mechanics in excess of eight hours per day or forty hours per week at not less than one-and-one-half times the basic rate of pay), shall apply in respect of any contract negotiated pursuant to subsection (a) hereof.

"(c) The cost-plus-a-percentage-of-cost system of contracting shall not be used under the authority to negotiate contracts granted by subsection (a) hereof, but contracts may be used providing for payment of cost plus a fixed fee, or cost plus a fixed fee with such bonuses and penalties as the Commission may deem necessary to secure maximum performance under such contracts, if for each contract (1) such fixed fee does not exceed 7 per centum of the estimated cost of the contract (exclusive of the fee and any bonuses payable thereunder) as determined by the Commission at the time of entering into such contract, and (2) the aggregate of such fixed fee plus any such bonuses payable thereunder does not exceed 10 per centum of such estimated cost. Performance or payment bonds required of the contractor under the Act of August 24, 1935 (49 Stat 793; U. S. C. title 40, sec. 270a to 270d), may be waived by the Commission with respect to any contract negotiated or modified hereunder providing for payment of cost plus a fee as herein authorized. Any contract negotiated or modified hereunder providing for payment of cost plus a fee as herein authorized shall be excluded from consideration in the determination of profit of the contractor under section 505 (b) (2) of the Merchant Marine Act, 1936, as amended (Title 46, § 1155 (b) (2)).

"(d) The Commission shall report every three months to the Congress the contracts entered into or modified under the authority hereof and not included in a prior report."

§ 1214. Amount of contract authorizations.

In addition to contract authorizations for carrying out the provisions of this chapter, contained in previous Acts, the United States Maritime Commission is authorized to enter into contract or contracts for the purpose of carrying out the provisions of this chapter in an amount not to exceed \$65,000,000. (Feb. 6, 1941, ch. 5, § 3, 55 Stat. 6.)

CONTRACT AUTHORIZATIONS IN PREVIOUS ACTS

Act Aug. 25, 1937, ch. 757, title I, 50 Stat. 759, authorized an additional \$115,000,000; act Mar. 16, 1939, ch. 11, § 1, 53 Stat. 543, authorized an additional \$230,000,000; act June 27, 1940, ch. 437, title I, 54 Stat. 634, authorized an additional \$50,000,000.

CONTRACT AUTHORIZATIONS IN SUBSEQUENT ACTS

Subsequent to Res Feb 6, 1941, cited to text, act Apr. 5, 1941, ch 40, § 1, 55 Stat. 119, authorized an additional \$180,000,000

SUBCHAPTER X.—MARITIME LABOR RELATIONS

WORKING HOURS AND OVERTIME OF EMPLOYEES ENGAGED IN COMMISSION'S SHIP-CONSTRUCTION AND NATIONAL-DEFENSE WORK

Act May 2, 1941, ch 84, § 4, 55 Stat 150, provided as follows:

"Sec 4 During the national emergency declared by the President on September 8, 1939, to exist (Proc. No 2352, set out in note preceding chapter 1 of Title 50), but not after June 30, 1942, notwithstanding any other provision of law, (1) the United States Maritime Commission is authorized to prescribe rules and regulations with regard to working hours and overtime employment for: naval architects, marine engineers, draftsmen, estimators, inspectors of new construction and materials, and marine surveyors, or any of such employees engaged in its ship-construction program or its national-defense activities, and for other employees of the Commission performing services in such ship-construction program or national-defense activities which the Commission shall determine to be comparable to those of employees of other Government departments or agencies engaged in national-defense activities and authorized by law to receive compensation for overtime work, (2) compensation for employment in excess of forty hours in any administrative workweek computed at a rate not less than one-and-one-half times the regular rate is hereby authorized to be paid to the aforesaid employees of the Commission who work overtime pursuant to such rules and regulations, and (3) the President is authorized, in his discretion, to establish, in regard to hours of work and compensation for overtime of the employees hereinabove referred to, such uniformity with the War Department, the Navy Department, and the Coast Guard, and their field services as he may deem necessary in the interest of national defense. In determining overtime compensation for per annum employees under this section, the pay for one day shall be considered to be one three-hundred-and-sixtieth of their respective per annum salaries, and the pay for one hour shall be considered to be one-eighth of the pay for one day."

§ 1254. Encouragement of employer-employee agreements and settlements.

It shall be the duty of all maritime employers, their officers and agents, and their employees or the duly selected representatives of such employees to exert every reasonable effort—

(1) to make and maintain written agreements concerning rates of pay, hours of employment, rules, and working conditions, which agreements shall provide, by means of adjustment boards or port committees, for the final adjustment of disputes growing out of grievances or the application or interpretation of the terms of such agreements;

(2) to settle all disputes, whether arising out of the interpretation or application of such agreements or otherwise, in order to avoid any interruptions to transportation of passengers or property in waterborne commerce. (As amended June 23, 1941, ch. 228, § 2, 55 Stat. 259.)

AMENDMENTS

1941—Act June 23, 1941, cited to text, omitted words "the Board to encourage" from first sentence preceding words "all maritime employers"

§ 1256. Repealed. June 23, 1941, ch. 228, § 3, 55 Stat. 259.

SAVING CLAUSE

Last portion of section 3 of act June 23, 1941, ch. 228, 55 Stat 259, repealing this section and sections 1258, 1259, and last sentence of 1260 provided: "That the Maritime Labor Board may continue to act as mediator in any disputes wherein its mediation services have been requested and the mediation of which the Board has actively undertaken prior to the date of the enactment of this Act"

§§ 1258, 1259. Repealed. June 23, 1941, ch. 228, § 3, 55 Stat. 259.

SAVING CLAUSE

Saving clause for act June 23, 1941, ch 228, 55 Stat. 259, see note under section 1256 of this title

§ 1260. Report of plan for permanent labor policy.

On or before March 1, 1940, the Board shall submit to the President and to Congress a comprehensive plan for the establishment of a permanent Federal policy for the amicable adjustment of all disputes between maritime employers and employees and for the stabilization of maritime labor relations. (June 29, 1936, ch. 858, title X, § 1010, as added June 23, 1938, ch. 600, § 45, 52 Stat. 969, amended June 23, 1941, ch. 228, § 3, 55 Stat. 259.)

AMENDMENTS

1941—Act June 23, 1941, cited to text, repealed last sentence of section which read "As far as may be, the Board shall seek to secure through its mediatory efforts agreement between maritime employers and employees upon the plan it is hereby required to submit."

SAVING CLAUSE

Saving clause for act June 23, 1941, ch. 228, 55 Stat. 259, see note under section 1256 of this title.

§ 1262. Expiration of subchapter.

This subchapter shall expire at the end of four years from the date of its enactment. (As amended June 23, 1941, ch. 228, § 1, 55 Stat. 259.)

AMENDMENTS

1941—Act June 23, 1941, cited to text, substituted "four years" for "three years."

TITLE 47.—TELEGRAPHS, TELEPHONES, AND RADIOTELEGRAPHS

Chapter 5.—WIRE OR RADIO COMMUNICATION

SUBCHAPTER I.—GENERAL PROVISIONS

§ 154. Federal Communications Commission; composition and provisions relating thereto generally.

* * * * *

(f) (1) Without regard to the civil-service laws or sections 661 to 674 of Title 5, (1) the Commission may appoint and prescribe the duties and fix the salaries of a secretary, a director for each division, a chief engineer and not more than three assistants, a chief accountant and not more than three assistants, a general counsel and not more than three assistants, and temporary counsel designated by the Commission for the performance of special services; and (2) each commissioner may appoint and prescribe the duties of a secretary at an annual salary not to exceed \$4,000. The general counsel and the chief engineer and the chief accountant shall each receive an annual salary of not to exceed \$9,000; the secretary shall receive an annual salary of not to exceed \$7,500; the director of each division shall receive an annual salary of not to exceed \$7,500; and no assistant shall receive an annual salary in excess of \$7,500. The Commission shall have authority, subject to the provisions of the civil-service laws and sections 661 to 674 of Title 5, to appoint such other officers, engineers, accountants, inspectors, attorneys, examiners, and other employees as are necessary in the execution of its functions.

(2) The Commission shall fix a reasonable rate of extra compensation for overtime services of inspectors in charge and radio inspectors of the Field Division of the Engineering Department of the Federal Communications Commission, who may be required to remain on duty between the hours of 5 o'clock postmeridian and 8 o'clock antemeridian or on Sundays or holidays to perform services in connection with the inspection of ship radio equipment and apparatus for the purposes of part II of subchapter III of this chapter, on the basis of one-half day's additional pay for each two hours or fraction thereof of at least one hour that the overtime extends beyond 5 o'clock postmeridian (but not to exceed two and one-half days' pay for the full period from 5 o'clock postmeridian to 8 o'clock antemeridian) and two additional days' pay for Sunday or holiday duty. The said extra compensation for overtime services shall be paid by the master, owner, or agent of such vessel to the local United States collector of customs or his representative, who shall deposit such collection into the Treasury of the United States to an appropriately designated receipt account: *Provided*, That the amounts of such collections received by the said collector of customs or his representatives shall be covered into the Treasury as miscellaneous receipts; and the payments of such

extra compensation to the several employees entitled thereto shall be made from the annual appropriations for salaries and expenses of the Commission: *Provided further*, That to the extent that the annual appropriations which are hereby authorized to be made from the general fund of the Treasury are insufficient, there are hereby authorized to be appropriated from the general fund of the Treasury such additional amounts as may be necessary to the extent that the amounts of such receipts are in excess of the amounts appropriated: *Provided further*, That such extra compensation shall be paid if such field employees have been ordered to report for duty and have so reported whether the actual inspection of the radio equipment or apparatus takes place or not: *And provided further*, That in those ports where customary working hours are other than those hereinabove mentioned, the inspectors in charge are vested with authority to regulate the hours of such employees so as to agree with prevailing working hours in said ports where inspections are to be made, but nothing contained in this proviso shall be construed in any manner to alter the length of a working day for the inspectors in charge and radio inspectors or the overtime pay herein fixed. (As amended Mar. 23, 1941, ch. 24, 55 Stat. 46.)

* * * * *

AMENDMENTS

1941—Subsec (f) was amended by act Mar 23, 1941, cited to text, which designated the existing paragraph as "(1)", and added paragraph (2).

SUBCHAPTER III.—SPECIAL PROVISIONS RELATING TO RADIO

PART II.—RADIO EQUIPMENT AND RADIO OPERATORS ON BOARD SHIP

§ 353. Operators; auto-alarms; watches.

* * * * *

(b) A cargo ship, required by sections 351-362 of this title to be fitted with a radio installation, which is fitted with an auto-alarm in accordance with sections 301-362 of this title, shall, for safety purposes, carry at least one qualified operator who shall have had at least six months' previous service in the aggregate as a qualified operator in a station on board a ship or ships of the United States, but during the emergency proclaimed by the President on September 8, 1939, to exist, but not after June 30, 1943, the aforesaid requirement of six months' previous service may be suspended or modified by regulation or order of the Commission for successive periods of not more than six months' duration. (As amended July 8, 1941, ch. 278, 55 Stat. 579.)

* * * * *

AMENDMENTS

1941—Subsec. (b) amended by act July 8, 1941, cited to text, which added exception respecting national emergency.

APPROVAL OF OPERATORS BY SECRETARY OF NAVY DURING
NATIONAL EMERGENCY

Act Dec. 17, 1941, ch. 538, 55 Stat. 803, provided as follows:

"During the national emergency declared by the President on May 27, 1941, to exist, but not after July 1, 1943, or the date upon which the President proclaims the existing national defense emergency terminated, whichever occurs first, for the purpose of strengthening the national defense by providing additional safeguards, it shall be unlawful to employ any person or to permit any person to serve as radio operator aboard any vessel (other than a vessel of foreign registry) if the Secretary of the Navy—

"(1) has disapproved such employment for any specified voyage, route, or area of operation, and

"(2) has notified the master of the vessel of such disapproval prior to the departure thereof.

"No such vessel shall be granted clearance, depart or attempt to depart from any port or place in the United States, its territories or possessions, or the Canal Zone, while having on board a person serving as radio operator in violation of this Act. For any violation of this Act, the master and the owner shall be severally subject to a penalty of not more than \$1,000 for which penalties the vessel shall be liable. Such penalties on application may be mitigated or remitted by the Secretary of Commerce."

SUBCHAPTER VI.—MISCELLANEOUS
PROVISIONS

§ 606. War powers of President.

EX. ORD. NO. 8964. PRESCRIBING REGULATIONS
GOVERNING THE USE, CONTROL AND CLOSING OF
RADIO STATIONS AND THE PREFERENCE OR PRI-
ORITY OF COMMUNICATIONS.

Ex. Ord. No. 8964, Dec. 10, 1941, 6 Fed. Reg. 6367 provided:

WHEREAS The Senate and House of Representatives of the United States of America in Congress assembled have declared that a state of war exists between the United States and the Imperial Japanese Government;

AND WHEREAS Section 606 of the Communications Act of 1934 (48 Stat. 1104; U. S. C., title 47, sec 606) authorizes the President under such circumstances to cause the closing of any radio station and the removal therefrom of its apparatus and equipment, and to authorize the use or control of any such station and/or its apparatus and equipment by any agency of the Government under such regulations as the President may prescribe upon just compensation to the owners, and further authorizes him to direct that communications essential to the national defense and security shall have preference or priority;

AND WHEREAS It is necessary to insure the national defense and the successful conduct of the war that the Government of the United States shall take over, operate, and have use or possession of certain radio stations or parts thereof within the jurisdiction of the United States, and shall inspect, supervise, control or close other radio stations or parts thereof within the jurisdiction of the United States, and that there should be priority with respect to the transmission of certain communications by wire or radio;

Now, therefore, by virtue of authority vested in me under the Constitution of the United States and under the aforementioned joint resolution of Congress dated December 8, 1941, and under the provisions of the aforementioned Section 606 of the Communications Act of 1934, I hereby prescribe that from and after this date the Defense Communications Board created by the Executive Order of September 24, 1940 (hereinafter referred to as the Board) shall exercise the power and authority vested in me by Section 606 of the Communications Act of 1934 pursuant to and under the following regulations:

1. The Board shall determine and prepare plans for the allocation of such portions of governmental and nongovernmental radio facilities as may be required to meet the needs of the armed forces, due consideration being given to the needs of other governmental agencies, of industry, and of other civilian activities

2. The Board shall, if the national security and defense and the successful conduct of the war so demand, designate specific radio stations and facilities or portions thereof for the use, control, supervision, inspection or closure by the Department of War, Department of Navy or other agency of the United States Government

3. The Board shall, if the national security and defense and the successful conduct of the war so demand, prescribe classes and types of radio stations and facilities or portions thereof which shall be subject to use, control, supervision, inspection or closure, in accordance with such prescription, by the Department of War, Department of Navy or other agency of the United States Government designated by the Board

4. Every department and independent agency of the government shall submit to the Defense Communications Board, at such time and in such manner as the Board may prescribe, full information with respect to all use made or proposed to be made of any radio station or facility and of any supervision, control, inspection or closure which has been or is proposed to be effected pursuant to paragraph 3 hereof.

5. No radio station or facility shall be taken over and operated in whole or in part or subjected to governmental supervision, control or closure unless such action is essential to national defense and security and the successful conduct of the war. So far as possible, action taken pursuant to this Order shall not interfere with the procurement needs of civilian governmental agencies, the normal functioning of industry or the maintenance of civilian morale.

6. Until and except so far as said Board shall otherwise provide, the owners, managers, boards of directors, receivers, officers and employees of the radio stations shall continue the operation thereof in the usual and ordinary course of business, in the names of their respective companies, associations, organizations, owners or managers, as the case may be.

7. The head of any department or agency which uses or controls any radio station pursuant to the terms of this Order shall ascertain the just compensation for the use or control of such radio station and recommend such just compensation in each such case to the President for approval and action by him in accordance with the provisions of subsection (d) of Section 606 of the Communications Act of 1934 (U. S. C., title 47, sec 606 (d))

8. By subsequent order of the Board, the use, control, or supervision of any radio station or facility or class or type thereof assumed under the provisions of this Order may be relinquished in whole or in part to the owners thereof and any restrictions placed on any radio station or facility pursuant hereto may be removed in whole or in part.

9. The Board is hereby designated, in accordance with the provisions of Section 606 (a) of the Communications Act of 1934, to make such arrangements as may be necessary in order to insure that communications essential to the national defense and security shall have preference or priority with any carrier subject to the Communications Act of 1934. The Board may issue any regulations which may be necessary to accomplish this purpose

10. All terms herein used shall have the meanings ascribed to such terms in Section 3, as amended, of the Communications Act of 1934.

11. All regulations of general applicability issued by the Secretary of War, the Secretary of the Navy, or any other governmental agency under these Presidential regulations shall be published in the Federal Register.

CROSS REFERENCES

Censorship of communications, see section 618 of Appendix to Title 50, War.

TITLE 48.—TERRITORIES AND INSULAR POSSESSIONS

Chapter 2.—ALASKA

ALASKA FISHERIES

- Sec.
248. Protection of walruses (New).
248a Same; duties of law enforcement officers; forfeiture of equipment of convicted persons (New).
248b. Same, definitions (New).

PUBLIC UTILITIES

RAILROADS, TELEGRAPH, AND TELEPHONES

311. Payment of charges for interconnection between Alaska Communication System's radio-telephone and commercial telephone facilities (New).

ALASKA MILITIA (NEW)

473. Alaska militia established.
474. Exemption from militia service.
475. Composition of Alaska National Guard.
476. Governor as commander-in-chief; rules and regulations.
477. Appointment of Adjutant General; qualifications; and duties
478. Ratification and confirmation of existing military forces.
479. Territorial Guard; when and how organized; rules and regulations.

SLUM CLEARANCE AND HOUSING PROJECTS (NEW)

481. Legislative authorization to create authorities.
482. Same; appointment of commissioners; powers of authorities.
483. Same; issuance of bonds and obligations.

LEGISLATURE AND GOVERNMENT

- § 61. Governor; authority in general.

CROSS REFERENCES

Governor as commander-in-chief of Alaska National Guard, see section 476 of this title.

ALASKA FISHERIES

- § 248. Protection of walruses.

Whoever, within the Territory of Alaska or in or on any of the waters thereof, shall take, possess, sell, barter, purchase, or export, at any time or in any manner, any walrus, alive or dead, or any part thereof, except as hereinafter in this section provided, shall be fined not more than \$500 or imprisoned not more than six months, or both: *Provided*, That walruses may be taken at any time by natives for food and clothing for themselves and by miners or explorers or any other person when in need of food and other food is not available, and the skins, hides, tusks, or ivory of walruses so taken may be possessed, sold, bartered, or purchased in the Territory and said tusks or ivory, when carved or otherwise manufactured or processed in the Territory, may be exported therefrom: *Provided further*, That the Secretary of the Interior is authorized to permit the taking, possession, and export of walruses or parts thereof for scientific or educational

purposes under special permits to be issued by him under such restrictions and conditions as he shall prescribe. (Aug. 18, 1941, ch. 368, § 1, 55 Stat. 632.)

REPEAL OF INCONSISTENT LAWS

Section 4 of act Aug. 18, 1941, cited to text, provided: "Sec. 4. That all other Acts or parts of Acts insofar as they relate to walruses in the Territory of Alaska or in or on any of the waters thereof are hereby repealed"

- § 248a. Same; duties of law enforcement officers; forfeiture of equipment of convicted persons.

It shall be the duty of all marshals and deputy marshals, collectors and deputy collectors of customs, officers of the Coast Guard, and law-enforcement officers of the Fish and Wildlife Service and the Alaska Game Commission of the Department of the Interior to enforce sections 248-248b of this title and they shall have, with respect to such enforcement, all the powers and authority conferred by the second paragraph of section 192 of this title, upon the officers therein mentioned; and all guns, traps, nets, boats, dogs, sleds, implements, or other paraphernalia used in or in aid of a violation of sections 248-248b of this title, and any walrus, or part thereof, taken, possessed, sold, bartered, purchased, or exported contrary to sections 248-248b of this title, shall be seized by the officers authorized to enforce sections 248-248b of this title, and upon conviction of the offender or upon judgment of a court of the United States that the same were being used or were taken, possessed, sold, bartered, purchased, or exported contrary to the provisions of sections 248-248b of this title, shall be forfeited to the United States and disposed of as directed by the court having jurisdiction, and if sold the proceeds of sale, less any expenses incurred in and about the seizure and forfeiture thereof, shall be deposited in the Treasury to the credit of miscellaneous receipts. (Aug. 18, 1941, ch. 368, § 2, 55 Stat. 633.)

REPEAL

Repeal of inconsistent laws, see note under section 248 of this title.

- § 248b. Same; definitions.

As used in sections 248-248b of this title "whoever" includes individuals, associations, partnerships, and corporations; "take" includes also pursue, hunt, shoot, wound, kill, capture, trap, or willfully molest or disturb; "export" means transportation or offering for transportation from the Territory of Alaska or any of the waters thereof to any place outside said Territory or waters; and "natives" means Eskimos, Aleuts, and other aborigines of one-half or more Eskimo, Aleut, or other aboriginal blood. (Aug. 18, 1941, ch. 368, § 3, 55 Stat. 633.)

REPEAL

Repeal of inconsistent laws, see note under section 248 of this title.

PUBLIC UTILITIES

RAILROADS, TELEGRAPH, AND TELEPHONES

§ 311. Payment of charges for interconnection between Alaska Communication System's radio-telephone and commercial telephone facilities.

Hereafter charges for interconnection between the radio-telephone facilities of the Alaska Communication System and commercial telephone facilities may be paid from the receipts of the Alaska Communication System. (May 23, 1941, ch. 130, § 1, 55 Stat. 191.)

ALASKA MILITIA (NEW)

§ 473. Alaska militia established.

The militia of the Territory of Alaska shall consist of all able-bodied male citizens of the United States and all other able-bodied males who shall have declared their intention to become citizens of the United States, residing within the Territory, who shall be more than eighteen years of age and, except as hereinafter provided, not more than forty-five years of age, and said militia shall be divided into two classes. The Organized Militia, to be known as the Alaska National Guard, and the Unorganized Militia. (Dec. 31, 1941, ch. 644, § 1, 55 Stat. 879.)

CROSS REFERENCES

Alaska as included in the word Territory, see section 4c of Title 32, National Guard.

National Guard of the States, Territories, and District of Columbia and composition, see section 4 of Title 32, National Guard.

Person liable for military duty, see section 1 of Title 10, Army.

§ 474. Exemption from militia service.

The following persons shall be exempt from militia service: Persons exempted by the laws of the United States, judges of the several courts of the Territory, and members and officers of the Alaska Territorial Legislature. (Dec. 31, 1941, ch. 644, § 2, 55 Stat. 879.)

CROSS REFERENCES

Exemptions from militia duty, see section 3 of Title 32, National Guard.

§ 475. Composition of Alaska National Guard.

The Alaska National Guard shall consist of members of the militia voluntarily enlisted therein, who, upon original enlistment, shall be not less than eighteen nor more than forty-five years of age, or who, in subsequent enlistment, shall be not more than sixty-four years of age, organized, armed, equipped, and federally recognized according to the laws of the United States, and of commissioned officers and warrant officers who are citizens of the United States between the ages of twenty-one and sixty-four years and who shall be appointed and commissioned or warranted by the Governor of the Territory: *Provided*, That former members of the Regular Army, Navy, or Marine Corps under sixty-four years of age may enlist in said Alaska National Guard. (Dec. 31, 1941, ch. 644, § 3, 55 Stat. 879.)

CROSS REFERENCES

National Guard of the States, Territories, and District of Columbia and composition, see section 41 of Title 32, National Guard.

§ 476. Governor as commander-in-chief; rules and regulations.

The Governor of the Territory of Alaska, as ex officio commander of the militia of the Territory, shall have like command of the Alaska National Guard while not in active Federal service, and is empowered to promulgate all necessary regulations therefor not inconsistent with this subchapter. Except as otherwise prescribed by this subchapter, the Alaska National Guard and its members shall be subject to all Federal laws and regulations relating to the National Guard of the several States and Territories, and of the United States. (Dec. 31, 1941, ch. 644, § 4, 55 Stat. 879.)

CROSS REFERENCES

Governor as commander-in-chief of militia, see section 61 of this title.

§ 477. Appointment of Adjutant General; qualifications and duties.

The Adjutant General of the Territory of Alaska shall be appointed by the President with such rank and qualifications as he may prescribe. He shall be a citizen of the Territory and shall make such returns and reports to the Secretary of War and to the Governor of the Territory of Alaska or to such officers as each of them may designate, at such times and in such form as may be prescribed. (Dec. 31, 1941, ch. 644, § 5, 55 Stat. 880.)

CROSS REFERENCES

Appointment, qualifications, and duties of Adjutant General for each State, Territory, and District of Columbia, see sections 11-13 of Title 32, National Guard.

§ 478. Ratification and confirmation of existing military forces.

The terms and provisions of this subchapter pertaining to the Alaska National Guard are hereby made applicable to the existing units and individuals of the military forces in the Territory of Alaska, heretofore organized and known as the Alaska National Guard, and such organization is hereby ratified and confirmed. (Dec. 31, 1941, ch. 644, § 6, 55 Stat. 880.)

§ 479. Territorial Guard; when and how organized; rules and regulations.

During such time as the Alaska National Guard, or any part thereof, is in active Federal service, the Governor of Alaska, through voluntary enlistments, may organize a Territorial Guard under such regulations as to discipline in training as the Secretary of War may prescribe: *Provided*, That the Secretary of War, in his discretion and under such regulations as he may prescribe, is authorized to issue for the use of such Territorial Guard, upon requisition of the Governor of the Territory, such arms and equipment as may be in possession of and can be spared by the War Department. (Dec. 31, 1941, ch. 644, § 7, 55 Stat. 880.)

CROSS REFERENCES

Issuance of arms and equipment to National Guard, see section 33 of Title 32, National Guard.

SLUM CLEARANCE AND HOUSING PROJECTS (NEW)

CROSS REFERENCES

Slum clearance in Puerto Rico, see section 911 et seq. of this title.

§ 481. Legislative authorization to create authorities.

The Legislature of the Territory of Alaska may create a public corporate authority to undertake slum clearance and projects to provide dwelling accommodations for families of low income and for persons (and their families) engaged in national-defense activities within the Territory. (July 21, 1941, ch. 311, § 1, 55 Stat. 601.)

§ 482. Same; appointment of commissioners; powers of authorities.

The Legislature of the Territory of Alaska may provide for the appointment and terms of the commissioners of such authority and for the powers of such authority, except that such authority shall not be given any power of taxation, nor any power to pledge the faith of the people of the Territory for any loan whatever. (July 21, 1941, ch. 311, § 2, 55 Stat. 602.)

§ 483. Same; issuance of bonds and obligations.

The Legislature of the Territory of Alaska may authorize such authority to issue bonds or other obligations with such security and in such manner as the legislature may provide, except as provided in sections 481-483 of this title. Such bonds and other obligations shall not be a debt of the Territory of Alaska or any political or municipal corporation or other subdivision of the Territory other than such authority; and such bonds and other obligations shall not constitute a debt, indebtedness, or the borrowing of money within the meaning of any limitation or restriction on the issuance of bonds or other obligations contained in the laws of the United States applicable to the Territory of Alaska or any political or municipal corporation or other subdivision of the Territory. (July 21, 1941, ch. 311, § 3, 55 Stat. 603.)

Chapter 3.—HAWAII

GENERAL PROVISIONS

Sec

518a. Employment of nationals on public works during national emergency (New).

PUBLIC LANDS

664a. Ratification of Hawaiian realty transactions consummated on or before November 25, 1941 (New).

664b. Same, effect of ratification (New).

HAWAIIAN HOMELANDS

707a. Same; investment of loan funds; disposition of proceeds (New).

GENERAL PROVISIONS

§ 518a. Employment of Nationals on public works during national emergency.

During the national emergency declared by the President on May 27, 1941, to exist, and notwithstanding the provisions of any other law, authority is hereby granted for the employment of nationals of the United States upon any public work carried on in the Territory of Hawaii by the Government of the United States, whether the work is done by contract or otherwise: *Provided*, That such employment shall be as common laborers only and only upon public work carried on for the national defense: *Provided further*, That any national of the United

States admitted into the Territory of Hawaii pursuant to section 1234 (a) (1) of this title, for employment as herein authorized shall, upon the termination of such employment, be returned to the Philippine Islands. (Jan. 2, 1942, ch. 646, 55 Stat. 881.)

PUBLIC LANDS

§ 664a. Ratification of Hawaiian realty transactions consummated on or before November 25, 1941.

No right of purchase lease, special homestead agreement, cash freehold agreement, certificate of occupation, homestead lease, or patent issued on or before the 25th day of November 1940, under or in purported compliance with sections 663-677 of this title and sections 83-86 of Title 8 or the laws of Hawaii, relating to public lands, shall be held invalid or void for or on account of (a) failure to publish a notice of the sale, drawing, or allotment of the lands described in such lease, agreement, certificate, or patent, for the period required by sections 663-677 of this title and sections 83-86 of Title 8, or to determine the persons entitled to take said lands by drawing or lot, if in either of such cases, said lands were opened for sale, settlement, or occupation by public notice in compliance with the statutes in effect prior to May 27, 1910; (b) if said lands were opened for sale, settlement, or occupation by any of the following methods, to wit: Right of purchase lease, special homestead agreement, cash freehold agreement, or certificate of occupation, the fact that said lands were not opened for sale, settlement, or occupation by the particular method followed in issuing such lease, agreement, or certificate, or homestead lease or patent based thereon; (c) the inclusion in one lease, agreement, certificate, or patent of detached or noncontiguous parcels of land, or two or more parcels of land originally offered as separate homesteads or lots. (Sept. 26, 1941, ch. 426, § 1, 55 Stat. 734.)

EFFECTIVE DATE

Section 3 of act Sept. 26, 1941, cited to text, provided section should take effect upon its approval, which was Sept. 26, 1941.

§ 664b. Same; effect of ratification.

Such right of purchase leases, special homestead agreements, cash freehold agreements, certificates of occupation, homestead leases, and patents are hereby ratified and confirmed to the extent set forth in section 664a and, to the extent so ratified and confirmed, shall be deemed and held to be perfect and valid from the day of the date thereof for all purposes, including the issuance of homestead leases or patents based thereon; all questions or disputes that may arise in relation to said lands or the titles thereof shall be decided and determined accordingly. (Sept. 26, 1941, ch. 426, § 2, 55 Stat. 734.)

EFFECTIVE DATE

Section 3 of act Sept. 26, 1941, cited to text, provided section should take effect upon its approval, which was Sept. 26, 1941

§ 677. Control, management, disposition, etc., of public lands; powers and duties of commissioner.

All lands in the possession, use, and control of the Territory shall hereafter be managed by the com-

missioner, except such as shall be set aside for public purposes as hereinafter provided; all sales and other dispositions of such land shall be made by the commissioner or under his direction, for which purpose, if necessary, the land may be transferred to his department from any other department by direction of the Governor, and all patents and deeds of such land shall issue from the office of the commissioner, who shall countersign the same and keep a record thereof. Lands conveyed to the Territory in exchange for other lands that are subject to the land laws of Hawaii, as amended by this chapter, shall, except as otherwise provided, have the same status and be subject to such laws as if they had previously been public lands of Hawaii. All orders setting aside lands for forest or other public purposes, or withdrawing the same, shall be made by the Governor, and lands while so set aside for such purposes may be managed as may be provided by the laws of the Territory; the provisions of this section may also be applied where the "public purposes" are the uses and purposes of the United States, and lands while so set aside may be managed as may be provided by the laws of the United States. The commissioner is hereby authorized to perform any and all acts, prescribe forms of oaths, and, with the approval of the Governor and said board, make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this section and the land laws of Hawaii into full force and effect. (As amended Aug. 21, 1941, ch. 394, § 1, 55 Stat. 658.)

AMENDMENTS

1941—Section amended by act Aug. 21, 1941, cited to text, by incorporation of phrase "the provisions of this chapter may be applied * * * by the laws of the United States."

LANDS UNDER JURISDICTION OF HAWAIIAN HOMES COMMISSION

Section 2 of act Aug. 21, 1941, cited to text, provided: "Sec. 2. Nothing in this Act shall apply to any lands which are now under, or which may hereafter be placed under, the jurisdiction of the Hawaiian Homes Commission."

HAWAIIAN HOMELANDS

§ 694. Same; regulations; expenditures.

The commission may make such regulations and, with the approval in writing of the governor of the Territory, may make such expenditures including salaries, and appoint and remove such employees and agents, as are necessary to the efficient execution of the functions vested in the commission by the provisions of this subchapter. All expenditures of the Commission, as herein provided out of the Hawaiian home-administration account, the Hawaiian home-development fund, and all moneys necessary for loans made by the Commission, in accordance with the provisions of this subchapter, from the Hawaiian home-loan fund, shall be allowed and paid upon the presentation of itemized vouchers therefor, approved by the chairman of the Commission. (As amended Nov. 26, 1941, ch. 544, § 7, 55 Stat. 787.)

AMENDMENTS

1941—Act Nov. 26, 1941, cited to text, amended second sentence.

REFERENCES IN TEXT

Words "this subchapter" in second sentence read "this chapter" in act Nov. 26, 1941, cited to text, probably referring to act July 9, 1921, also cited. For Distribution of said latter act, see note under section 691 of this title.

§ 697. Certain public lands designated "available lands."

(4) * * *

(I) * * *

1. One hundred and sixty-three degrees thirty-one minutes two hundred and thirty-eight and eight-tenths feet along the east side of Punchbowl-Makiki Road;

(As amended Nov. 26, 1941, ch. 544, § 1, 55 Stat. 782.)

AMENDMENTS

1941—Act Nov. 26, 1941, cited to text, amended par. (4) (I) 1, by substituting "two hundred and thirty-eight and eight-tenths feet" for "two hundred and fifty-seven and eight-tenths feet"

§ 702. Same; conditions in leases.

(3) The lessee shall occupy and commence to use or cultivate the tract as his home or farm within one year after the lease is made. The lessee of agricultural lands shall plant and maintain not less than five, ten, fifteen, and twenty trees per acre of land leased, and the lessee of pastoral lands shall plant and maintain not less than two, three, four, and five trees per acre of land leased during the first, second, third, and fourth years, respectively, after the date of lease. Such trees shall be of types approved by the Commission and at locations specified by the Commission's agent. Such planting and maintenance shall be by or under the immediate control and direction of the lessee. Such trees shall be furnished by the Commission free of charge. (As amended Nov. 26, 1941, ch. 544, § 2, 55 Stat. 783.)

AMENDMENTS

1941—Act Nov. 26, 1941, cited to text, amended par. (3), by adding all after the first sentence.

§ 703. Same; successor to lessees.

(1) Upon the death of the lessee, his interest in the tract or tracts and the improvements thereon, including growing crops, either on the tract or in any collective contract or program to which the lessee is a party by virtue of his interest in the tract or tracts, shall vest in the relatives of the decedent as provided in this paragraph. From the following relatives of the lessee: Husband and wife, children, widows or widowers of the children, grandchildren, brothers and sisters, widows or widowers of the brothers and sisters, or nieces and nephews, the lessee shall designate the person or persons to whom he directs his interest in the tract or tracts to vest upon his death. Such person or persons must be qualified to be a lessee of Hawaiian home lands: *Provided, however, That Hawaiian blood requirements shall not apply to the descendants of those who are not native Hawaiians but who were entitled to the leased land*

under the provisions of section 704a of this title: *Provided further*, That such person or persons need not be twenty-one years of age. Such designation must be in writing, must be specified at the time of execution of such lease with a right in such lessee in similar manner to change such beneficiary at any time, and shall be filed with the commission and approved by the commission, in order to be effective to vest such interests in the successor or successors so named.

In the absence of such a designation as approved by the Commission, the Commission shall select from the relatives of the lessee in the order named above, as limited by the foregoing paragraph, one or more persons who are qualified to be lessees of Hawaiian home lands, except as hereinabove provided, as the successor or successors of the lessee's interest in the tract or tracts, and upon the death of the lessee, his interest shall vest in the person or persons so selected. The Commission may select such a successor or successors after the death of the lessee, and the rights to the use and occupancy of the tract or tracts may be made effective as of the date of the death of such lessee.

In the case of the death of a lessee leaving no such relative qualified to be a lessee of Hawaiian home lands, the land subject to the lease shall resume its status as unleased Hawaiian home lands and the Commission is authorized to lease such land to a native Hawaiian or Hawaiians as provided in this subchapter.

Upon the death of a lessee leaving no such relative qualified to be a lessee of Hawaiian home lands, or the cancelation of a lease by the Commission, or the surrender of a lease by the lessee, the Commission shall appraise the value of all such improvements and growing crops and shall pay to the legal representative of the deceased lessee, or to the previous lessee, as the case may be, the value thereof, less any indebtedness to the Commission, or for taxes, or for any other indebtedness the payment of which has been assured by the Commission, from the deceased lessee or the previous lessee. Such payment shall be made out of the loan fund and shall be considered an advance therefrom reimbursable out of payments made by the successor or successors to the tract involved.

Such appraisal shall be made by three appraisers, one of which shall be named by the Commission, one by the previous lessee or the legal representative of the deceased lessee, as the case may be, and the third shall be selected by the two appraisers hereinbefore mentioned.

* * * *

(3) Should any successor or successors to a tract be a minor or minors, the Commission may appoint a guardian therefor, subject to the approval of the court of proper jurisdiction. Such guardian shall be authorized to represent the successor or successors in all matters pertaining to the leasehold: *Provided*, That said guardian shall, in so representing such successor or successors, comply with the provisions of this subchapter and the stipulations and provisions contained in the lease, except that said guardian may not be a native Hawaiian as defined in section

692 of this title. (As amended Nov. 26, 1941, ch. 544, § 3, 55 Stat. 783.)

AMENDMENTS

1941—Act No 26, 1941, § 3, cited to text, amended par. (1), deleted former par. (3), and renumbered former par. (4) to be (3).

REFERENCES IN TEXT

Words "this subchapter" in third paragraph of par. (1) of this section read "this Act" in act Nov. 26, 1941, cited to text, probably referring to act July 9, 1921, also cited. For distribution of said latter act, see note under section 691 of this title.

§ 707. Hawaiian home-loan and home-development funds and home-administration account; how constituted.

There is hereby established in the treasury of the Territory a revolving fund to be known as the Hawaiian home-loan fund and special funds to be known as the Hawaiian home-development fund and the Hawaiian home-administration account. Thirty per centum of the Territorial receipts derived from the leasing of cultivated sugarcane lands under any other provisions of law, or from water licenses, shall be deposited into the Hawaiian home-loan fund until the aggregate amount of moneys deposited therein from such two sources, together with moneys received and deposited therein from any other sources, not including, however, installment payments upon loans made to lessees or payments by a successor or successors to the tract representing reimbursements on account of the advance made pursuant to section 703 (1) of this title, shall equal \$2,000,000. In addition to these moneys and the moneys covered into the loan fund as installments paid by lessees upon loans made to them as provided in paragraph 2 of section 709 of this title, there shall be deposited into said revolving fund all other moneys, except moneys received for the Hawaiian home-administration account, received by the Commission from any source whatsoever. The moneys in said fund shall be available only for loans to lessees as provided for in this subchapter, for interest and sinking fund charges upon bonds issued for Hawaiian homes purposes and for the payments provided for in section 703 (1) of this title, and shall not be expended for any other purpose whatsoever, except that 25 per centum of the amount of moneys so covered into the said revolving fund annually shall be transferred into the Hawaiian home-development fund until the aggregate amount of such annual transfers shall equal \$400,000. The moneys in said development fund shall be available, with the prior written approval of the Governor, for the construction of necessary improvements for domestic use and consumption of water, including the construction of pipe lines and reservoirs, for the construction of sanitary sewerage facilities and for the construction of roads through and over Hawaiian home lands. The Commission is authorized and empowered to use moneys in said fund, with the prior written approval of the Governor, to match Federal, Territorial, or county funds available for the above purposes and to that end is authorized to enter into such undertaking, agree to such conditions, transfer funds herein available for such expenditure and do and perform such other acts and things, as may be necessary or required,

as a condition to securing match funds for such projects or works

The entire receipts derived from any leasing of the "available lands" defined in section 698 of this title shall be deposited into the Hawaiian home-administration account. The moneys in said account shall be expended by the Commission for salaries and all other administration expenses of the Commission, not including structures and other permanent improvements, subject, however, to the following conditions and requirements:

(1) The Commission shall, at such time as the Governor may prescribe, but not later than November 15 preceding each biennial session of the legislature, submit to the territorial director of the bureau of the budget its budget estimates of expenditures for the next ensuing biennium in the manner and form and as required by territorial law of territorial departments and establishments.

(2) The Commission's budget, if it meets with the approval of the Governor, shall be included in the Governor's budget report and shall be transmitted to the legislature for its approval. The total amount of the Commission's budget shall in no event exceed the amount of \$140,000 for the biennium.

(3) Upon approval by the legislature of the Commission's budget estimate of expenditures for the ensuing biennium or if no action hereon is taken by the legislature prior to adjournment, the amount thereof shall be available to the Commission for said biennium and shall be expendable by the Commission for the expenses hereinabove provided; any amount of money in said account in excess of the amount approved by the legislature for the biennium shall be transferred to the general fund of the treasury of the Territory, such transfer to be made immediately after the amount of moneys deposited in said administration account shall equal the amount approved by the legislature.

(4) The moneys in said administration account shall be expended by the Commission in accordance with Territorial laws, rules, and regulations and practices:

Provided, however, That the receipts from the leasing of available lands as defined in section 698 of this title shall not be covered into said account until July 1, 1943: *Provided further,* That for the biennium commencing July 1, 1941, and ending June 30, 1943, the amount of money appropriated by the Territorial legislature for the Commission, whether or not in excess of \$140,000, shall be deposited in said account and shall be expended as herein provided. (As amended Nov. 26, 1941, ch. 544, § 4, 55 Stat. 784.)

REFERENCES IN TEXT

Words "this subchapter" in first paragraph of this section read "this Act" in act Nov. 26, 1941, cited to text, probably referring to act July 9, 1921, also cited. For distribution of said latter act, see note under section 691 of this title.

§ 707a. Same; investment of loan funds; disposition of proceeds.

The Commission shall have the power and authority to invest and reinvest any of the moneys in the loan fund, not otherwise immediately needed for the purposes of the fund, in such bonds and securities

as authorized by territorial law for the investment of territorial sinking fund moneys. Any interest or other earnings arising out of such investments shall be credited to and deposited in said fund and shall be included in and considered as a deposit from other sources, as provided for in section 707 of this title. (July 9, 1921, ch. 42, § 225, as added Nov. 26, 1941, ch. 544, § 8, 55 Stat. 787.)

§ 709. Same; conditions in contracts of loan.

(1) Each contract of loan with the lessee or any successor or successors to his interest in the tract shall be held subject to the following conditions, whether or not stipulated in the contract of loan: The amount of loans at any one time to any lessee, or successor or successors in interest, of a tract of agricultural or pastoral land shall not exceed \$3,000 and to any lessee, or successor or successors in interest, of a residence lot shall not exceed \$1,000: *Provided,* That where, upon the death of a lessee leaving no relative qualified to be a lessee of Hawaiian home lands, or the cancelation of a lease by the Commission, or the surrender of a lease by the lessee, the Commission shall make the payment provided for by section 703 (1) of this title, the amount of any such payment made to the legal representative of the deceased lessee, or to the previous lessee, as the case may be, shall be considered as part or all, as the case may be, of any such loan to the successor or successors, without limitation as to the above maximum amounts: *Provided further,* That in case of the death of a lessee, or the cancelation of a lease by the Commission, or the surrender of a lease by the lessee, the successor or successors to the tract shall assume any outstanding loan or loans thereon, if any, without limitation as to the above maximum amounts but subject to the provisions of paragraph (3) of this section.

(2) The loans shall be repaid upon an amortization plan by means of a fixed number of installments, such installments to be monthly, quarterly, semi-annual, or annual as may be determined by the Commission in each case, sufficient to cover (a) interest on the unpaid principal at the rate of 3 per centum per annum, and (b) such amount of the principal as will extinguish the debt within an agreed period not exceeding thirty years. The moneys received by the Commission from any installment paid upon such loan shall be covered into the fund. The payment of any installment due shall, with the concurrence therein of at least three of the five members of the Commission, be postponed in whole or in part by the Commission for such reasons as it deems good and sufficient and until such later date as it deems advisable. Such postponed payments shall continue to bear interest at the rate of 3 per centum per annum on the unpaid principal.

(3) In case of the death of a lessee the Commission shall, in any case, permit the successor or successors to the tract to assume the contract of loan subject to the provisions of paragraph (1) of this section. In case of the cancelation of a lease by the Commission, or the surrender of a lease by the lessee, the Commission may, at its option, declare all installments upon the loan immediately due and payable, or permit the successor or successors to the

tract to assume the contract of loan subject to the provisions of paragraph (1) of this section. The Commission may, with the concurrence therein of at least three of the five members, in such cases where the successor or successors to the tract assume the contract of loan, waive the payment, wholly or in part, of interest already due and delinquent upon said loan, or postpone the payment of any installment thereon, wholly or in part, until such later date as it deems advisable. Such postponed payments shall, however, continue to bear interest at the rate of 3 per centum on the unpaid principal. Further, the Commission may, with the concurrence therein of at least three of the five members, if it deems it advisable and for the best interests of the lessees, write off and cancel, wholly or in part, the contract of loan of the deceased lessee, or previous lessee, as the case may be, where such loans are delinquent and deemed uncollectible. Such write-off and cancelation shall be made only after an appraisal of all improvements and growing crops on the tract involved, such appraisal to be made in the manner and as provided for by section 703 (1) of this title. In every such case, the amount of such appraisal, or any part thereof, shall be considered as part or all, as the case may be, of any loan to such successor or successors, subject to the provisions of paragraph (1) of this section.

* * * * *

(7) Whenever the Commission shall determine that a lessee is delinquent in the payment of his indebtedness to the Commission it may require such lessee to execute an assignment to it, not to exceed, however, the amount of the total indebtedness of such lessee, including the indebtedness to others the payment of which has been assured by the Commission, of all moneys due or to become due to such lessee by reason of any agreement or contract, collective or otherwise, to which the lessee is a party by virtue of his interest in the tract. Failure to execute such an assignment when requested by the Commission shall be sufficient ground for cancelation of the lessee's lease or interest therein. (As amended Nov. 26, 1941, ch. 544, § 5, 55 Stat. 785.)

AMENDMENTS

1941—Act Nov. 26, 1941, cited to text, amended pars (1)–(3) and added par. (7).

§ 714. Development projects; appropriations by legislature; issuance of bonds by legislature.

The Commission is authorized directly to undertake and carry on general water and other development projects in respect to Hawaiian home lands and to undertake other activities having to do with the economic and social welfare of the homesteaders: *Provided, however,* That roads through or over Hawaiian home lands, other than Federal-aid highways and roads, shall be maintained by the county or city and county in which said particular road or roads to be maintained are located. The legislature of the Territory is authorized to appropriate out of the treasury of the Territory such sums as it deems necessary to augment the Hawaiian home-loan fund, the Hawaiian home-development fund, and the Hawaiian home-administration account, and to provide the Commission with funds sufficient to execute and

carry on such projects and activities. The legislature is further authorized to issue bonds to the extent required to yield the amount of any sum so appropriated. The Commission shall pay from the Hawaiian home-loan fund into the treasury of the Territory—

(1) upon the date when any interest payment becomes due upon any bond so issued, the amount of the interest then due; and

(2) commencing with the first such date more than one year subsequent to the issuance of any bond and at each interest date thereafter, an amount such that the aggregate of all such amounts which become payable during the term of the bond, compounded annually at the rate of interest specified therein, shall equal the par value of the bond at the expiration of its term. (As amended Nov. 26, 1941, ch. 544, § 6, 55 Stat. 786.)

Chapter 4.—PUERTO RICO

SLUM CLEARANCE AND HOUSING PROJECTS

CROSS REFERENCES

Slum clearance in Alaska, see section 481 et seq. of this title.

Chapter 5.—THE PHILIPPINE ISLANDS

PHILIPPINE INDEPENDENCE

Sec.

1236b. Same; export tax, temporary suspension; resumption; rate (New).

1236c. Same; reduction of quotas; temporary suspension; resumption; rate (New).

PHILIPPINE INDEPENDENCE

§ 1236. Relations with the United States pending complete independence; trade relations.

CROSS REFERENCES

Export tax and quota reduction, suspension, resumption, and rate of, see sections 1236b–1236c of this title.

§ 1236b. Same; export tax; temporary suspension; resumption; rate.

The imposition and collection of the export tax prescribed by section 1236 of this title shall be suspended for a period commencing on and after the date following December 22, 1941, and ending on December 31, 1942.

On January 1, 1943, the imposition of such export tax shall be resumed, the tax rate effective for said calendar year to be the same as the rate in effect at the time the tax was suspended; on each succeeding January 1 thereafter the export tax shall be increased progressively by an additional 5 per centum of the United States duty, except that during the period January 1, 1946, through July 3, 1946, the export tax shall remain at 15 per centum of the United States duty. (Dec. 22, 1941, ch. 617, § 1, 55 Stat. 852.)

LAWS UNAFFECTED

Section 3 of act Dec. 22, 1941, cited to text, provided as follows: "Nothing in this Act (Title 48, §§ 1236b, 1236c) shall change in any respect not herein expressly provided for the provisions of the Act of March 24, 1934, as amended (Title 48, §§ 1232, 1235, 1236, 1237, 1238, and 1239–1248)."

§ 1236c. Same; reduction of quotas; temporary suspension; resumption; rate.

The progressive reduction of the quotas of the Philippine articles of a class or kind in respect of

which a quota is established by subdivision 3, subsection b, section 1236 of this title, shall be suspended for a period commencing on and after the date following December 22, 1941, and ending on December 31, 1942; the original quotas established by that subdivision for the year 1940 shall be in effect during the suspension.

On January 1, 1943, the progressive reduction of the quotas provided for in subdivision 3, subsection b, section 1236 of this title, shall be resumed, the rate of reduction effective for said calendar year to be the same as the rate in effect at the time the said quotas were suspended; for each calendar year thereafter through the calendar year 1945, each of the said quotas shall be the same as the corresponding quota for the immediately preceding calendar year, less 5 per centum of the corresponding original quota.

For the period January 1, 1946, through July 3, 1946, each of said quotas shall be one-half of the corresponding quota specified for the calendar year 1945. (Dec. 22, 1941, ch. 617, § 2, 55 Stat. 852.)

CROSS REFERENCES

Laws unaffected, see note under section 1236b of this title.

§ 1237a. Same; salaries of legal adviser and financial expert.

REPEATED.—Act June 28, 1941, ch. 259, § 1, 55 Stat. 309.

Chapter 6.—CANAL ZONE

GENERAL PROVISIONS

Sec.

1330-1. Extradition to and from the United States (New).

1337 Photographic regulations (New).

CANAL ZONE COURTS AND SUBDIVISION OF ZONE

1344a. Rules of criminal procedure (New).

GENERAL PROVISIONS

§ 1306. Army control in time of war or emergency.

CROSS REFERENCES

Powers and authority conferred by this section not affected by sections 191a-191c of Title 50, War, see section 191b of that title.

§ 1309. Early laws and regulations continued.

CROSS REFERENCES

Photographic regulations, see section 1337 of this title.

§ 1330-1. Extradition to and from the United States.

The provisions of section 591 of Title 18, so far as applicable, shall apply throughout the United States for the arrest and removal therefrom to the Canal Zone of any fugitive from justice charged with the commission of any crime or offense against the United States within the Canal Zone, and shall apply within the Canal Zone for the arrest and removal therefrom to the United States of any fugitive from justice charged with the commission of any crime or offense against the United States. Such fugitive may, by any judge or magistrate of the Canal Zone, and agreeably to the usual mode of process against offenders therein, be arrested and imprisoned or bailed, as the case may be, pending the

issuance of a warrant for his removal to the United States, which warrant it shall be the duty of a judge of the district court seasonably to issue, and of the officer or agent of the United States designated for the purpose to execute. Such officer or agent, when engaged in executing such warrant without the Canal Zone, shall have all the powers of a marshal of the United States so far as such powers are requisite for the prisoner's safe keeping and the execution of the warrant. (Dec. 16, 1941, ch. 580, § 2, 55 Stat. 802.)

§ 1337. Photographic regulations.

Whenever, in the interests of the protection of the Panama Canal and Canal Zone, the Governor of the Panama Canal shall determine that any part or feature of the Panama Canal, or any area, object, installation, or structure within the Canal Zone, requires protection against the general dissemination of information relative thereto, the Governor is hereby authorized to make, and from time to time alter and amend, regulations prohibiting or restricting:

(a) The making of any photograph, sketch, drawing, map, or graphical representation of, within, or upon any such part or feature of the Panama Canal, or any such area, object, installation, or structure within the Canal Zone; and

(b) The possession of any camera within any area or areas in the Canal Zone which the Governor may designate: *Provided, however,* That no regulation made pursuant to authority contained in this section shall apply to activities of the kind covered by this section which are conducted or performed by persons in the service or employ of the United States in the course of their official duties.

Any person who shall violate any of the rules and regulations established in pursuance of the authority contained in this section shall be punishable by a fine of not more than \$1,000, or by imprisonment in jail for not more than one year, or by both. (Dec. 12, 1941, ch. 569, 55 Stat. 798.)

CROSS REFERENCES

Photographing and sketching defensive installations generally, see sections 45-45d of Title 50, War.

CANAL ZONE COURTS AND SUBDIVISION OF ZONE

§ 1334a. Rules of criminal procedure.

In respect to matters not covered by the Canal Zone Code, the United States District Court for the District of the Canal Zone may adopt rules governing its criminal procedure, not inconsistent with the laws of the United States. (Dec. 16, 1941, ch. 580, § 3, 55 Stat. 803.)

REFERENCES IN TEXT

Canal Zone Code was enacted by act June 19, 1934, ch. 667, 48 Stat. 1122.

§ 1346. Jurisdiction of crimes committed on high seas.

CROSS REFERENCES

Rules of criminal procedure, see section 1344a of this title.

RETIREMENT OF GOVERNMENT AND RAILROAD EMPLOYEES

§ 1371c. Disability retirement; medical examinations required.

* * * * *

(b) * * * * *

* * * * *

Every annuitant retired under the provisions of this section, unless the disability for which he was retired be permanent in character, shall at the expiration of one year from the date of such retirement and annually thereafter, until reaching retirement age as defined in section 1371a hereof, be examined under the direction of the Civil Service Commission by a medical officer of the United States, or a duly qualified physician or surgeon, or board of physicians or surgeons designated by the Civil Service Commission for that purpose, in order to determine the nature and degree of the annuitant's disability, if any. If an annuitant shall recover before reaching the age at which he would otherwise have become eligible for retirement and be restored to an earning capacity which would permit him to be appointed to some appropriate position fairly comparable in compensation to the position occupied at the time of retirement, payment of the annuity shall be continued temporarily to afford the annuitant opportunity to seek such available position, but not in any case exceeding one year from the date of medical examination showing such recovery.

If the annuitant shall fail to obtain reemployment through no fault of his own within the one year period in any position included in the provisions of this subchapter, he shall be considered as involuntarily separated from the service as of the date he shall have been retired for disability, and if otherwise eligible, entitled to an annuity under section 1371d of this title to begin at the close of said one year period based on the service rendered prior to his retirement for disability. (As amended Dec. 16, 1941, ch. 584, § 2, 55 Stat. 806.)

* * * * *

AMENDMENTS

1941—Act Dec. 16, 1941, cited to text, substituted "one year" for "ninety-day" and "ninety days" throughout section.

EFFECTIVE DATE

Section 5 of act Dec. 16, 1941, cited to text, provided: "This Act shall take effect on January 1, 1942."

§ 1371e. Method of computing annuities.

* * * * *

Any employee retiring under the provisions of section 1371a of this title and sections 715, 715a of Title 5 or section 1371b of this title may at the time of his retirement elect to receive in lieu of the life annuity described herein a reduced annuity payable to him during his life, and an annuity after his death payable to his beneficiary designated by him at the time of his retirement, which designation shall be in writing and filed with the Civil Service Commission. The amount of the annuity of the surviving beneficiary shall be either equal to or 50 per centum of the employee's reduced annuity

as the employee shall elect in the writing hereinbefore provided for, and the said annuity shall be payable during the life of the beneficiary, and upon the death of the beneficiary all payments shall cease and no further annuity shall be due and payable. The amounts of the two annuities shall be such that their combined actuarial value on the date of retirement as determined by the Civil Service Commission shall be the same as the actuarial value of the single life increased annuity with forfeiture provided by this section: *Provided*, That no election in lieu of the life annuity provided herein shall become effective in case an employee dies within thirty days after the effective date of retirement and death within such period shall be considered as a death in active service. (As amended Dec. 16, 1941, ch. 584, § 1, 55 Stat. 805.)

AMENDMENTS

1941—Fifth paragraph was added by act Dec. 16, 1941, cited to text.

EFFECTIVE DATE

Section 5 of act Dec. 16, 1941, cited to text, provided: "This Act shall take effect on January 1, 1942."

§ 1371h. Deductions.

* * * * *

At the option of any employee, to be exercised at any time prior to his retirement, and under such regulations as may be prescribed by the Civil Service Commission, additional sums in multiples of 1 per centum, but not to exceed 20 per centum, of his annual basic salary, pay, or compensation, for any period subsequent to June 30, 1931, may be deducted and withheld, or paid by the employee, and deposited as provided in the first paragraph of this section, which amount together with interest thereon at 3 per centum per annum compounded as of June 30 of each year, shall, at the date of his retirement, be available to purchase, in accordance with such rules and regulations as may be prescribed by the Civil Service Commission, with the approval of the board of actuaries, in addition to the annuity provided by sections 1371–1371p of this title, an annuity according to the experience of the Canal Zone retirement and disability fund as may from time to time be set forth in the tables of annuity values by the board of actuaries based on an interest rate at 4 per centum. (As amended Dec. 16, 1941, ch. 584, § 2, 55 Stat. 806.)

* * * * *

AMENDMENTS

1941—Second paragraph was added by act Dec. 16, 1941, cited to text.

EFFECTIVE DATE

Section 5 of act Dec. 16, 1941, cited to text, provided: "This Act shall take effect on January 1, 1942."

§ 1371j. Return of amounts deducted from salaries.

* * * * *

(g) The provisions of this section shall be construed to apply to the additional deductions and deposits referred to in the second paragraph of section 1371h of this title as added by section 2 of Act Dec. 16, 1941, ch. 584: *Provided, however*, That under paragraph (a) of this section there shall be no additional deduction of \$1 per month or major fraction thereof,

on account of said deductions and deposits: *Provided further*, That under paragraphs (b) and (d) of this section, as amended, the interest payable upon return of the deductions and deposits referred to in this paragraph shall be computed at 3 per centum per annum compounded on June 30 of each year: *And provided further*, That under paragraph (b) of this section no part of such deductions and deposits or interest thereon, returned to an employee upon his transfer or separation from the service as provided in this section, shall be required to be redeposited by him as a condition precedent to the receipt by him of benefits under sections 1371–1371p of this title (As amended Dec. 16, 1941, ch. 584, § 4, 55 Stat. 806.)

AMENDMENTS

1941—Par. (g) was added by act Dec. 16, 1941, cited to text

EFFECTIVE DATE

Section 5 of act Dec. 16, 1941, cited to text, provided "This Act shall take effect on January 1, 1942"

Chapter 7.—THE VIRGIN ISLANDS

CIVIL GOVERNMENT FOR VIRGIN ISLANDS

§ 1405s. Executive branch; Governor; appointment; powers and duties generally.

The executive power of the Virgin Islands and of the municipalities thereof shall be vested in an executive officer whose title shall be "the Governor of the Virgin Islands" and shall be exercised under supervision of the Secretary of the Interior. The Governor shall be appointed by the President, by and with the advice and consent of the Senate, and shall hold office at the pleasure of the President and until his successor is chosen and qualified. The Governor shall reside in the Virgin Islands during his official incumbency. He shall have general supervision and control of all executive and administrative departments, bureaus, and offices of the Government of the Virgin Islands. He shall faithfully execute the laws

of the United States applicable to the Virgin Islands, and the laws and ordinances of the Virgin Islands. He may grant pardons and reprieves and remit fines and forfeitures for offenses against the local laws, and may grant respites for all offenses against the applicable laws of the United States until the decision of the President can be ascertained. He may veto any legislation as provided in sections 1405–1406m of this title. He shall commission all officers that he may be authorized to appoint. He may call upon the commanders of the military and naval forces of the United States in the islands, or summon the posse comitatus, or call out the militia, or prevent or suppress violence, invasion, insurrection, or rebellion; and he may, in case of rebellion or invasion, or imminent danger thereof, when the public safety requires it, suspend the privilege of the writ of habeas corpus, or place the islands, or any part thereof, under martial law, until communication can be had with the President and the President's decision thereon made known. He shall annually, and at such other times as the President or the Congress may require, make official report of the transactions of the Government of the Virgin Islands to the Secretary of the Interior, and his said annual report shall be transmitted to the Congress. He shall perform such additional duties and functions as may, in pursuance of law, be delegated to him by the President, or by the Secretary of the Interior. He shall have the power to issue executive regulations not in conflict with any applicable law or ordinance. He may attend or may depute another person to represent him at the meetings of the legislative authorities herein established, and may give expression to his views on any matter before such bodies. (As amended Dec. 26, 1941, ch. 637, 55 Stat. 872.)

AMENDMENTS

1941—Act Dec. 26, 1941, cited to text, amended last sentence, substituting "may", where it first occurs, for "shall".

TITLE 49.—TRANSPORTATION

Chapter 2.—LEGISLATION SUPPLEMENTARY TO "INTERSTATE COMMERCE ACT"

§ 66. Same; payment for transportation for Government; deduction of overpayments.

CROSS REFERENCES

General provisions relating to liability of certifying officers for overpayments, see section 82c of Title 31, Money and Finance.

Chapter 6.—AIR COMMERCE

PUBLIC AIRPORTS

§ 211. Lease of contiguous public lands for public airports; authority of Secretary of the Interior.

The Secretary of the Interior is authorized, in his discretion and under such regulations as he may prescribe, to lease for use as a public airport any contiguous public lands, unreserved and unappropriated, not to exceed two thousand five hundred and sixty acres in area, subject to valid rights in such lands under the public-land laws. (As amended Aug. 16, 1941, ch. 354, 55 Stat. 621.)

AMENDMENTS

1941—Act Aug 16, 1941, cited to text, amended section by striking out words "not to exceed six hundred and forty acres in area" and inserting in lieu thereof "not to exceed two thousand five hundred and sixty acres in area"

INTERNATIONAL TECHNICAL COMMITTEE OF AERIAL LEGAL EXPERTS

§ 231. Annual appropriation for expenses of participation by United States.

LATER SIMILAR PROVISIONS

Subsequent annual appropriation acts: June 28, 1941, ch. 258, title I, 55 Stat. 272.

Chapter 8.—INTERSTATE COMMERCE ACT, PART II; MOTOR CARRIERS

§ 305a. Joint Board, transportation requests.

REPEATED —Act Apr. 5, 1941, ch 40, § 1, 55 Stat. 114.

Chapter 9.—CIVIL AERONAUTICS ACT

SUBCHAPTER II.—ORGANIZATION OF BOARD

Sec

422a Compensation for members of Civil Aeronautics Board and Administrator of Civil Aeronautics (New).

SUBCHAPTER II.—ORGANIZATION OF BOARD

§ 422a. Compensation for members of Civil Aeronautics Board and Administrator of Civil Aeronautics.

The salaries of the members of the Civil Aeronautics Board and the Administrator of Civil Aeronautics shall be at the rate of \$10,000 each per annum. (June 28, 1941, ch. 258, title II, 55 Stat. 282.)

CODIFICATION

This section is not a part of the Civil Aeronautics Act of 1938, which constituted the bulk of this chapter.

TITLE 50.—WAR

Chapter 4A.—PHOTOGRAPHING, SKETCHING, MAPPING, ETC., DEFENSIVE INSTALLATIONS

CROSS REFERENCES

Photographic regulations in Canal Zone, see section 1337 of Title 48, Territories and Insular Possessions.

Chapter 5.—ARSENALS, ARMORIES, ARMS, AND WAR MATERIAL GENERALLY

ACQUISITION AND DEVELOPMENT OF STRATEGIC RAW MATERIALS

§ 98e. Appropriation.

For the procurement, transportation, maintenance, rotation, and storage of the materials to be acquired under this subchapter, there is hereby authorized to be appropriated the sum of \$100,000,000, out of any money in the Treasury not otherwise appropriated, during the fiscal years June 30, 1939, to and including June 30, 1943, to be expended under the joint direction of the Secretary of War and the Secretary of the Navy. Any funds heretofore or hereafter received on account of sales or other dispositions of materials under the provisions of sections 98–98f of this title shall be deposited to the credit, and be available for expenditure for the purposes, of any appropriation available at the time of such deposit, for carrying out the provisions of sections 98–98e of this title. (As amended May 28, 1941, ch. 135, 55 Stat. 206.)

AMENDMENTS

1941—Act May 28, 1941, cited to text, added sentence beginning “Any funds heretofore or hereafter received.”

Chapter 6.—WILFUL DESTRUCTION, ETC., OF WAR OR NATIONAL-DEFENSE MATERIAL

§ 104. Definition of national-defense terms.

The words “national-defense material”, as used herein, shall include arms, armament, ammunition, livestock, stores of clothing, food, foodstuffs, fuel, supplies, munitions, and all other articles of whatever description and any part or ingredient thereof, intended for the use of the United States in connection with the national defense or for use in or in connection with the producing, manufacturing, repairing, storing, mining, extracting, distributing, loading, unloading, or transporting of any of the materials or other articles hereinbefore mentioned or any part or ingredient thereof. (As amended Aug. 21, 1941, ch. 388, 55 Stat. 655.)

* * * *

AMENDMENTS

1941—Act Aug. 21, 1941, cited to text, amended first paragraph by adding at end thereof “or for use in or in connection with the producing, * * * or any part or ingredient thereof.”

Chapter 8.—EXPLOSIVES; MANUFACTURE, DISTRIBUTION, STORAGE, USE, AND POSSESSION REGULATED

§ 121. Definitions.

As used in sections 121–142 of this title—

(1) The terms “explosive” and “explosives” shall mean gunpowders, powders used for blasting, all forms of high explosives, blasting materials, fuzes (other than electric circuit breakers), detonators, and other detonating agents, smokeless powders, and any chemical compounds or mechanical mixture that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities, or packing that ignition by fire, by friction, by concussion, by percussion, or by detonation of the compound or mixture or any part thereof may cause an explosion. The term “explosive” or “explosives” shall not include cartridges for small arms or shotguns, or such fireworks or signalling devices as are designated by the Director, nor shall such terms include ships’ signal or emergency equipment.

(2) The term “ingredients” shall mean phosphorus and active oxidizing chemicals that can be combined with one or more reducing materials to produce an explosive.

(3) The term “person” shall include executive departments, independent establishments, and other agencies of the United States, the District of Columbia, Territories, and insular possessions of the United States, States, and municipalities and other political subdivisions thereof; and individuals, partnerships, associations, societies, and corporations.

(4) The term “Director” shall mean the Director of the Bureau of Mines. (Oct. 6, 1917, ch. 83, § 1, as amended Dec. 26, 1941, ch. 633, § 2, 55 Stat. 863.)

AMENDMENTS

1941—Prior to amendment by act Dec. 26, 1941, cited to text, provisions on this subject were contained in sections 2, 3, and 4 of act Oct. 6, 1917, also cited.

GENERAL HISTORY OF SECTIONS 121–142

Sections 121–142 of this title are from the Federal Explosives Act. The text of that act, originally enacted by act Oct. 6, 1917, ch. 83, 40 Stat. 385, was “amended to read as follows” by act Dec. 26, 1941, ch. 633, § 2, 55 Stat. 863, amounting to a general revision of the entire act and frequently resulting in a redistribution of the subject matter of the original act into differently numbered sections of the revised act. Notes under the various sections indicate such redistribution of subject matter.

The title of said act Oct. 6, 1917, was amended by act Dec. 26, 1941, ch. 633, § 1, 55 Stat. 863, to read as follows: “An Act to regulate the manufacture, distribution, storage, use, and possession of explosives, to authorize regulations for the safe manufacture, distribution, storage, use, and possession of the same, and for other purposes.”

SHORT TITLE OF SECTIONS 121–142

Section 21 of act Oct. 6, 1917, ch. 83, as added in general amendment by act Dec. 26, 1941, ch. 633, § 2, 55 Stat. 863, provided as follows: “This Act (Title 50, §§ 121–142) shall be known as the Federal Explosives Act.”

§ 122. Unauthorized manufacture, distribution, possession, acquisition, etc., of explosives or ingredients.

No person shall manufacture, distribute, store, sell, issue, give, or otherwise dispose of explosives or ingredients unless such person is licensed under sections 121-142 of this title.

Except as provided in section 124 of this title, no person shall distribute, sell, issue, give, or otherwise dispose of explosives or ingredients to a person who is not licensed under sections 121-142 of this title.

Except as provided in section 124 of this title, no person shall possess, purchase, accept, receive, acquire, or use explosives or ingredients unless such person is licensed under sections 121-142 of this title (Oct. 6, 1917, ch. 83, § 2, as amended Dec. 26, 1941, ch. 633, § 2, 55 Stat. 864.)

AMENDMENTS

1941—Amendment by act Dec. 26, 1941, cited to text, generally, see note under section 121 of this title.

Provisions of the subject of section 2 of act Oct. 6, 1917, cited to text, prior to its amendment by act Dec. 26, 1941, also cited, are now contained in sections 121 and 123 of this title.

§ 123. Same; exceptions generally.

The purchase or possession of ingredients when purchased or held in small quantities and not used or intended to be used in the manufacture of explosives shall not be subject to the provisions of sections 121-142 of this title. Sections 121-142 of this title shall not apply to explosives or ingredients which are in transit upon vessels, railroad cars, or conveyances in conformity with the statutory provisions or rules and regulations of the Interstate Commerce Commission, or regulations of the Secretary of Commerce. Sections 121-142 of this title shall not be construed to prevent the manufacture under the authority of the United States of explosives for, or their sale to or possession by, the military or naval service of the United States or the Federal Bureau of Investigation. Sections 121-142 of this title shall not apply to arsenals, navy yards, depots or other establishments owned by, or operated by or on behalf of, the United States. The Director may, however, cooperate with the heads of departments having jurisdiction over such establishments. Nothing in sections 121-142 of this title shall be construed to modify or otherwise affect in any way the authority of the Federal Bureau of Investigation with respect to the investigation of explosions, accidents, or fires. (Oct. 6, 1917, ch. 83, § 3, as amended Dec. 26, 1941, ch. 633, § 2, 55 Stat. 864.)

AMENDMENTS

1941—Amendment by act Dec. 26, 1941, cited to text, generally, see note under section 121 of this title.

Prior to amendment by act Dec. 26, 1941, cited to text, provisions on this subject were contained in sections 2, 5, and 6 of act Oct. 6, 1917, also cited. Provisions on the subject of former section 3 of the latter act are now contained in section 121 of this title.

§ 124. Same; exceptions in case of mines, quarries, etc.

A superintendent, foreman, or other duly authorized employee at a mine, quarry, or other work, may, when licensed so to do, sell or issue to any employee under him such amount of explosives or ingredients

as may be required by that employee in the performance of his duties. The employee may purchase or accept the explosives or ingredients so sold or issued, but the person so selling or issuing the same shall see that any unused explosives or ingredients are returned and that no explosives or ingredients are taken by the employee to any point not necessary to the carrying on of his duties. (Oct. 6, 1917, ch. 83, § 4, as amended Dec. 26, 1941, ch. 633, § 2, 55 Stat. 864.)

AMENDMENTS

1941—Amendment by act Dec. 26, 1941, cited to text, generally, see note under section 121 of this title.

Prior to amendment by act Dec. 26, 1941, cited to text, provisions on this subject were contained in section 5 of act Oct. 6, 1917, also cited. Provisions on the subject of former section 4 of the latter act are now contained in section 121 of this title.

§ 125. Application of prohibitory provisions; manufacture for, sale to, or possession by military or naval service.

Section has been omitted from the Code. For similar provisions, see section 123 of this title.

Section 2 of act Oct. 6, 1917, ch. 83, as amended by act Dec. 26, 1941, ch. 633, § 2, 55 Stat. 863, constitutes section 122 of this title.

§ 126. Records by licensees of disposition of explosives or ingredients.

Each person licensed to sell, issue, or otherwise dispose of explosives or ingredients shall keep a complete, itemized, and accurate record showing each person to whom and the purpose for which explosives or ingredients are sold, issued, or otherwise disposed of; the quantity and kind of explosives or ingredients sold, issued, or otherwise disposed of; and the date of such sale, issuance, or other disposition, and such other information as the Director by regulation may require. The record shall be sworn to and furnished to the Director or his authorized representatives whenever requested. (Oct. 6, 1917, ch. 83, § 5, as amended Dec. 26, 1941, ch. 633, § 2, 55 Stat. 864.)

AMENDMENTS

1941—Amendment by act Dec. 26, 1941, cited to text, generally, see note under section 121 of this title.

Prior to amendment by act Dec. 26, 1941, cited to text, provisions on this subject were contained in section 9 of act Oct. 6, 1917, also cited. Provisions on the subject of former section 5 of the latter act are now contained in sections 123 and 124 of this title.

§ 127. Licenses authorized to be issued.

The Director is hereby authorized to issue licenses as follows:

(a) Manufacturer's license, authorizing the manufacture, possession, and sale of explosives and ingredients.

(b) Vendor's license, authorizing the purchase, possession, and sale of explosives or ingredients.

(c) Purchaser's license, authorizing the purchase, possession, and use of explosives and ingredients.

(d) Foreman's license, authorizing the purchase and possession of explosives and ingredients and the sale and issuance of explosives and ingredients to employees as provided in section 124 of this title.

(e) Analyst's, educator's, inventor's, and investigator's licenses, authorizing the purchase, manufacture, possession, testing, and disposal of explosives and ingredients.

Nothing contained in sections 121–142 of this title shall be construed as requiring a license under sections 121–142 of this title for the exportation or importation of explosives or ingredients, license for which is required under the provisions of sections 409, 410, and 441–457 of Title 22, or the Act of Congress approved July 2, 1940 (ch. 508, 54 Stat. 712), or any proclamation or regulation issued pursuant thereto: *Provided, however*, That in all such cases the exporter or importer shall duly notify the Director of the character and quantity of the explosives or ingredients so exported or imported, and any other information the Director or any of his agents may from time to time require. No license under sections 121–142 of this title shall be required for the exportation of explosives or ingredients of explosives which constitute defense articles within the meaning of section 411 of Title 22, and which, under authority of section 412 (a) (2) of Title 22 have been sold, transferred, exchanged, leased, loaned, or otherwise disposed of to the government of any country whose defense the President deems vital to the defense of the United States. (Oct. 6, 1917, ch. 83, § 6, as amended Dec. 26, 1941, ch. 633, § 2, 55 Stat. 865.)

REFERENCES IN TEXT

The "Act of Congress approved July 2, 1940 (ch. 508, 54 Stat. 712)," referred to in this section, is distributed in the Code as follows. sections 189a and 653 of Title 5, Executive Departments and Government Officers and Employees; sections 292b and 621a, and notes under sections 291, 369, 481, 481a, and 602 of Title 10, Army; note preceding section 1 of Title 41, Public Contracts; and section 701 of Appendix to this title.

AMENDMENTS

1941—Amendment by act Dec. 26, 1941, cited to text, generally, see note under section 121 of this title.

Prior to amendment by act Dec. 26, 1941, cited to text, provisions on this subject were contained in section 10 of act Oct. 6, 1917, also cited. Provisions on the subject of former section 6 of the latter act are now contained in section 123 of this title.

§ 128. Licensing agents; applications for licenses; fees, records, and removal of agents; revocation of licenses.

The Director may designate as licensing agents persons authorized by law to administer oaths and may authorize such agents to issue vendor's, purchaser's, and foreman's licenses; and wherever possible the Director shall select as licensing agents qualified officers or employees of the several States or of political subdivisions or public bodies thereof. Applications for vendor's, purchaser's, and foreman's licenses may be made to the licensing agent in the district within which the explosives or ingredients are to be sold or used. Such agents may collect a fee of 25 cents for each license issued, and shall be entitled to no other compensation from the United States for their services.

Licensing agents shall keep an accurate record of all licenses issued, in manner and form to be prescribed by the Director, and shall make reports from time to time as the Director may require. The Director shall furnish to the agents the necessary blanks and blank records. The Director may revoke the authority of licensing agents, and all licenses issued by them shall be subject to revocation by the Director as provided in section 129 of this title.

(Oct. 6, 1917, ch. 83, § 7, as amended Dec. 26, 1941, ch. 633, § 2, 55 Stat. 865.)

AMENDMENTS

1941—Amendment by act Dec. 26, 1941, cited to text, generally, see note under section 121 of this title.

Prior to amendment by act Dec. 26, 1941, cited to text, provisions on this subject were contained in section 12 of act Oct. 6, 1917, also cited

§ 129. Term and renewal of license; qualifications of license applicants; revocation of license.

The Director shall provide for the renewal of licenses issued under sections 121–142 of this title. No license shall be valid for more than one year. All licenses outstanding on the termination of a war in which the United States may be engaged or on the day set by Presidential proclamation for the suspension of the operation of the provisions of sections 121–142 of this title shall expire on such termination or on that day.

The Director or a licensing agent may refuse to issue a license when in his opinion, based on facts of which he has knowledge or reliable information, the applicant (a) is not sufficiently reliable and experienced to be authorized to manufacture or handle explosives and ingredients; or (b) is disloyal or hostile to the United States, or if the applicant is a firm, association, society, or corporation, its officers, directors, or controlling shareholders or members are disloyal or hostile to the United States.

When the Director has reason to believe on like grounds that any licensee is disloyal or hostile to the United States, he may revoke all licenses issued to such licensee. If after notice and an opportunity to be heard, the Director finds that a licensee has violated any of the provisions of sections 121–142 of this title or of the regulations issued hereunder, the Director may revoke all licenses issued to such licensee.

An applicant to whom a license is refused by the Director or any licensee whose license is revoked by the Director may within thirty days after notification of the rejection of his application or the revocation of his license apply to the Council of National Defense for such license or the cancelation of such revocation. The Council shall make its order upon the Director either to grant or to withhold the license, or shall affirm or reverse the revocation.

An applicant to whom a license is refused by a licensing agent may within thirty days after notification of the rejection of his application apply to a regional officer for such license and the officer shall grant or withhold the license. The Director shall designate officials of the Bureau of Mines stationed in the field to pass on such appeals. If a regional officer upholds a licensing agent, the applicant may appeal to the Director. (Oct. 6, 1917, ch. 83, § 8, as amended Dec. 26, 1941, ch. 633, § 2, 55 Stat. 865.)

AMENDMENTS

1941—Amendment by act Dec. 26, 1941, cited to text, generally, see note under section 121 of this title.

Prior to amendment by act Dec. 26, 1941, cited to text, provisions on this subject were contained in section 11 of act Oct. 6, 1917, also cited, and in act July 1, 1918, ch. 113, § 1, 40 Stat. 671. Provisions on the subject of former section 8 of said act Oct. 6, 1917, are now contained in section 131 of this title.

§ 130. Applications for licenses: necessity; contents.

Unless the explosives and ingredients are to be purchased or accepted pursuant to section 124 of this title, any person desiring to manufacture, distribute, store, sell, issue, give, possess, purchase, accept, receive, acquire, or use explosives or ingredients shall make application for a license under sections 121–142 of this title. The applicant under oath shall state his name; place of birth; whether a citizen of the United States, whether native-born or naturalized citizen of the United States; if a naturalized citizen, the date and place of naturalization; if a firm, association, society, or corporation, the names, nationality, and addresses of its officers and directors, and the nationality of the controlling stockholders or members; business in which engaged; the amount and kind of explosives or ingredients which during the past six months have been acquired, disposed of, or used by him; the amount and kind of explosives or ingredients now on hand; whether sales, if any, have been made to jobbers, wholesalers, retailers, or consumers; the kind of license to be issued, and the kind and amount of explosives or ingredients which the license will authorize to be manufactured or handled; and such further information as the Director may from time to time require. (Oct. 6, 1917, ch. 83, § 9, as amended Dec. 26, 1941, ch. 633, § 2, 55 Stat. 866.)

AMENDMENTS

1941—Amendment by act Dec. 26, 1941, cited to text, generally, see note under section 121 of this title.

Prior to amendment by act Dec. 26, 1941, cited to text, provisions on this subject were contained in section 12 of act Oct. 6, 1917, also cited. Provisions on the subject of former section 9 of the latter act are now contained in section 126 of this title.

§ 131. Information to be furnished by licensee or applicant upon request.

A licensee or an applicant for license under sections 121–142 of this title shall furnish such information regarding himself and his business, so far as such business relates to or is connected with explosives or ingredients, at such time and in such manner as the Director or his authorized representative may request. Licensees and applicants who are regularly engaged in the manufacture of explosives or ingredients prior to the date upon which the provisions of sections 121–142 of this title are made operative by a proclamation of the President shall not be compelled to disclose secret processes, costs, or other data unrelated to the distribution of explosives or ingredients. (Oct. 6, 1917, ch. 83, § 10, as amended Dec. 26, 1941, ch. 633, § 2, 55 Stat. 866.)

AMENDMENTS

1941—Amendment by act Dec. 26, 1941, cited to text, generally, see note under section 121 of this title.

Prior to amendment by act Dec. 26, 1941, cited to text, provisions on this subject were contained in section 8 of act Oct. 6, 1917, also cited. Provisions on the subject of former section 10 of the latter act are now contained in section 127 of this title.

§ 132. False representations as to license; refusal to exhibit license.

No person shall represent himself as having a license issued under sections 121–142 of this title, when he has not such a license, or as having a li-

cense different in form or in conditions from the one which he in fact has, or without proper authority make, cause to be made, issue or exhibit anything purporting or pretending to be such license, or intended to mislead any person into believing it is such a license, or refuse to exhibit his license to any law-enforcement officer, Federal or State, or to a representative of the Bureau of Mines. (Oct. 6, 1917, ch. 83, § 11, as amended Dec. 26, 1941, ch. 633, § 2, 55 Stat. 867.)

AMENDMENTS

1941—Amendment by act Dec. 26, 1941, cited to text, generally, see note under section 121 of this title.

Prior to amendment by act Dec. 26, 1941, cited to text, provisions on this subject were contained in section 14 of act Oct. 6, 1917, also cited. Provisions on the subject of former section 11 of the latter act are now contained in section 129 of this title.

§ 133. Markings on manufacturing or storage premises.

Every person licensed under sections 121–142 of this title to manufacture or store explosives shall clearly mark and define the premises on which his plant or magazine may be and shall conspicuously display thereon the words "Explosives—Keep Off". (Oct. 6, 1917, ch. 83, § 12, as amended Dec. 26, 1941, ch. 633, § 2, 55 Stat. 867.)

AMENDMENTS

1941—Amendment by act Dec. 26, 1941, cited to text, generally, see note under section 121 of this title.

Prior to amendment by act Dec. 26, 1941, cited to text, provisions on this subject were contained in section 16 of act Oct. 6, 1917, also cited. Provisions on the subject of former section 12 of the latter act are now contained in sections 128 and 130 of this title.

§ 134. Cancellation of license for violation of law.

Section is now omitted from the Code. For similar provisions, see section 129 of this title.

§ 135. Exclusion of public from manufacturing or storage premises; discharge of firearms, etc.

No person, without the consent of the owner or his authorized agents, except law-enforcement officers, the Director and persons designated by him in writing, shall knowingly be in or upon any plant or premises on which explosives are manufactured or stored, or knowingly be in or upon any magazine premises on which explosives are stored. No person shall discharge any firearms or throw, or without the consent of the owner, place any explosives or inflammable bombs at, on, or against any such plant or magazine premises, or cause the same to be done. This section shall not be construed to prohibit the discharge of firearms by law-enforcement officers or others in the lawful performance of their official duties, or to prevent the proof-firing of weapons, projectiles, ammunitions, or explosives or the testing of fuses, detonators, or other materials upon the premises. (Oct. 6, 1917, ch. 83, § 13, as amended Dec. 26, 1941, ch. 633, § 2, 55 Stat. 867.)

AMENDMENTS

1941—Amendment by act Dec. 26, 1941, cited to text, generally, see note under section 121 of this title.

Prior to amendment by act Dec. 26, 1941, cited to text, provisions on this subject were contained in section 17 of act Oct. 6, 1917, also cited. Provisions on the subject of former section 13 of the latter act are now contained in section 138 of this title.

§ 136. Investigations of explosions and fires.

The Director is hereby authorized to investigate all explosions and fires which may occur in mines, quarries, factories, warehouses, magazines, houses, cars, boats, conveyances, and all places in which explosives or ingredients are manufactured, transported, stored, or used. The Director is authorized to investigate all explosions, accidents, or fires, in which there is reason to believe that explosives were involved. The Director may in his discretion report his findings in such manner as he may deem fit to the proper Federal or State authorities to the end that if such explosion has been brought about by a wilful act the person or persons causing such act may be proceeded against and brought to justice; or, if the explosion has been brought about by accidental means, that precautions may be taken to prevent similar accidents from occurring. In the prosecution of such investigations the employees under the direction of the Director are hereby granted the authority to enter the premises where such explosion or fire has occurred, to examine plans, books, and papers, to administer oaths to, and to examine all witnesses and persons concerned, without let or hindrance on the part of the owner, lessee, operator, or agent thereof. (Oct. 6, 1917, ch. 83, § 14, as amended Dec. 26, 1941, ch. 633, § 2, 55 Stat. 867.)

AMENDMENTS

1941—Amendment by act Dec. 26, 1941, cited to text, generally, see note under section 121 of this title.

Prior to amendment by act Dec. 26, 1941, cited to text, provisions on this subject were contained in section 20 of act Oct. 6, 1917, also cited. Provisions on the subject of former section 14 of the latter act are now contained in section 132 of this title.

CROSS REFERENCES

Federal Bureau of Investigation, authority to investigate explosions, fires, etc., unaffected, see section 123 of this title.

§ 137. Supervision by Secretary of Interior; cooperation with other agencies in administering chapter.

The Director shall exercise the authority conferred upon him by sections 121–142 of this title under the supervision of the Secretary of the Interior. The head of any executive department or independent establishment of the Federal Government may cooperate with the Director in the administration and enforcement of sections 121–142 of this title and may assign employees to operate under the direction of the Director. The officers and employees of the District of Columbia, and of the Territories and island possessions of the United States and of the municipalities and other political subdivisions thereof, shall cooperate with the Director in the administration and enforcement of sections 121–142 of this title. The Director may cooperate with the officers and employees of the several States and of the municipalities and other political subdivisions thereof. When such officers and employees act under the direction of the Director, their acts done in the administration and enforcement of sections 121–142 of this title shall be deemed to be fully authorized. (Oct. 6, 1917, ch. 83, § 15, as amended Dec. 26, 1941, ch. 633, § 2, 55 Stat. 867.)

AMENDMENTS

1941—Amendment by act Dec. 26, 1941, cited to text, generally, see note under section 121 of this title.

Prior to amendment by act Dec. 26, 1941, cited to text, provisions on this subject were contained in section 21 of act Oct. 6, 1917, also cited. Provisions on the subject of former section 15 of the latter act are now contained in section 139 of this title.

§ 138. Officers and employees for administration of chapter; appointment and employment.

To administer sections 121–142 of this title the Secretary of the Interior may employ such number of employees of the various classes recognized by sections 661–673 and 674 of Title 5 as may be appropriated for by the Congress. The Secretary may appoint as officers or employees persons who volunteer to serve without pay. The Secretary may delegate to subordinates the power to employ. (Oct. 6, 1917, ch. 83, § 16, as amended Dec. 26, 1941, ch. 633, § 2, 55 Stat. 868.)

AMENDMENTS

1941—Amendment by act Dec. 26, 1941, cited to text, generally, see note under section 121 of this title.

Prior to amendment by act Dec. 26, 1941, cited to text, provisions on this subject were contained in section 13 of act Oct. 6, 1917, also cited. Provisions on the subject of former section 16 of the latter act are now contained in section 133 of this title.

§ 139. Same; disclosure of information obtained in course of duty.

Without authority from the applicant for a license, from the licensee or from the Director no officer or employee or licensing agent engaged in the administration or enforcement of sections 121–142 of this title shall divulge any information obtained in the course of his duties under sections 121–142 of this title regarding the business of any licensee or applicant for a license. (Oct. 6, 1917, ch. 83, § 17, as amended Dec. 26, 1941, ch. 633, § 2, 55 Stat. 868.)

AMENDMENTS

1941—Amendment by act Dec. 26, 1941, cited to text, generally, see note under section 121 of this title.

Prior to amendment by act Dec. 26, 1941, cited to text, provisions on this subject were contained in section 15 of act Oct. 6, 1917, also cited. Provisions on the subject of former section 17 of the latter act are now contained in section 135 of this title.

§ 140. Rules and regulations.

The Director may issue rules and regulations to effectuate the purposes of sections 121–142 of this title, subject to the approval of the Secretary of the Interior. (As amended Dec. 26, 1941, ch. 633, § 2, 55 Stat. 868.)

AMENDMENTS

1941—Amendment by act Dec. 26, 1941, cited to text, see note under section 121 of this title.

§ 141. Penalties for violations of chapter.

Any person violating any of the provisions of sections 121–142 of this title or any rules or regulations made thereunder shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$5,000 or by imprisonment not more than one year, or by both such fine and imprisonment. (As amended Dec. 26, 1941, ch. 633, § 2, 55 Stat. 868.)

AMENDMENTS

1941—Amendment by act Dec. 26, 1941, cited to text, see note under section 121 of this title.

§ 142. Laws to be operative only during war or national emergency.

The provisions of sections 121–142 of this title and the regulations issued hereunder shall become operative only upon a declaration of war or of the existence of a state of war by the Congress, or upon the issuance by the President of a proclamation declaring that there exists a state of war or a national emergency requiring the application of the provisions of sections 121–142 of this title to provide for the national defense and security and shall remain operative until the termination of the war, or until such proclamation is revoked by the President (Oct. 6, 1917, ch. 83, § 20, as amended Dec. 26, 1941, ch. 633, § 2, 55 Stat. 868.)

AMENDMENTS

1941—Amendment by act Dec 26, 1941, cited to text, generally, see note under section 121 of this title

Provisions on the subject of section 20 of act Oct 6, 1917, cited to text, prior to its amendment by act Dec 26, 1941, also cited, are now contained in section 136 of this title

§ 143. Agencies available for enforcement of law.

Section is now omitted from the Code. For similar provisions, see section 137 of this title.

A new section 21, relating to short title, was added to act Oct. 6, 1917, cited to text, by act Dec 26, 1941, ch. 633, § 2, 55 Stat. 868, and is set out in note under section 121 of this title

Chapter 11.—ACQUISITION OF AND EXPENDITURES ON LAND FOR NATIONAL-DEFENSE PURPOSES

§ 175. Opinion of Attorney General as to validity of title; acquisition by United States of jurisdiction over lands.

CROSS REFERENCES

Exception in case of strategic network of highways, see section 114 of Title 23, Highways

Chapter 12.—VESSELS IN TERRITORIAL WATERS OF UNITED STATES

Sec.

191a. Same; transfer of Secretary of Treasury's powers to Secretary of Navy when Coast Guard operates as part of Navy (New).

191b. Effect of sections 191a–191c on certain laws relating to Canal Zone (New).

191c. Control of anchorage and movement of vessels to insure safety of naval vessels (New).

§ 191. Secretary of Treasury and Governor of Canal Zone authorized to regulate anchorage, movement, etc., of vessels.

CROSS REFERENCES

Authority conferred by second paragraph of this section not affected by sections 191a–191c of this title, see section 191b of this title.

Carrying or possessing explosives or dangerous weapons on vessels seized, forfeited, or upon which guard has been placed under this chapter, see sections 503, 504 of Title 18, Criminal Code and Criminal Procedure.

§ 191a. Same; transfer of Secretary of Treasury's powers to Secretary of Navy when Coast Guard operates as part of Navy.

When the Coast Guard operates as a part of the Navy pursuant to section 1 of Title 14, the powers conferred on the Secretary of the Treasury by section

191 of this title, shall vest in and be exercised by the Secretary of the Navy. (Nov. 15, 1941, ch. 471, § 2, 55 Stat. 763.)

§ 191b. Effect of sections 191a–191c on certain laws relating to Canal Zone.

Nothing in sections 191a–191c of this title shall be construed as affecting the authority conferred upon the Governor of The Panama Canal by the second paragraph of section 191 of this title, notwithstanding the provisions of section 191a of this title; nor shall anything in sections 191a–191c of this title be construed as affecting the powers and authority conferred by section 1306 of Title 48. (Nov 15, 1941, ch. 471, § 4, 55 Stat. 763.)

§ 191c. Control of anchorage and movement of vessels to insure safety of naval vessels.

In addition to those duties now imposed by law on the Coast Guard by virtue of section 471 of Title 33, section 45 of Title 14, and section 191 of this title, it shall be the duty of the captain of the port, Coast Guard district commander, or other officer of the Coast Guard designated by the Commandant thereof, or the Governor of the Panama Canal in the case of the territory and waters of the Canal Zone, to so control the anchorage and movement of any vessel, foreign or domestic, in the territorial waters of the United States, as to insure the safety or security of such United States naval vessels as may be present in his jurisdiction: *Provided*, That in territorial waters of the United States where immediate action is required, or where representatives of the Coast Guard are not present, or not present in sufficient force to exercise effective control of shipping as provided herein, the senior naval officer present in command of any naval force may control the anchorage or movement of any vessel, foreign or domestic, to the extent deemed necessary to insure the safety and security of his command. (Nov. 15, 1941, ch. 471, § 1, 55 Stat. 763.)

§ 192. Seizure and forfeiture of vessels for failure to observe regulations.

If any owner, agent, master, officer, or person in charge, or any member of the crew of any such vessel fails to comply with any regulation or rule issued or order given under the provisions of this chapter, or obstructs or interferes with the exercise of any power conferred by this chapter, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws; and the person guilty of such failure, obstruction, or interference shall be punished by imprisonment for not more than ten years and may, in the discretion of the court, be fined not more than \$10,000. (As amended Nov. 15, 1941, ch. 471, § 3, 55 Stat. 763.)

AMENDMENTS

1941—Act Nov. 15, 1941, cited to text, struck out “by the Secretary of the Treasury or the Governor of the Panama Canal” preceding “under the provisions of this chapter”.

TITLE 50.—WAR, APPENDIX

Act	Sec
Service Extension Act of 1941	351
First War Powers Act, 1941	601

PROCLAMATION AND EXECUTIVE ORDERS RESPECTING WAR AND NEUTRALITY; DECLARATIONS OF WAR BY UNITED STATES

I. PROCLAMATIONS OF STATE OF WAR

War between Germany-Italy and Yugoslavia	Proc No. 2473
War between Hungary and Yugoslavia	Proc. No 2477
War between Bulgaria and Yugoslavia and Greece	Proc. No 2479

III. MISCELLANEOUS PROCLAMATIONS AND EXECUTIVE ORDERS

Unlimited National Emergency	Proc No 2487
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IV. DECLARATIONS OF WAR BY UNITED STATES (NEW)

War between United States and Japan	Res Dec. 8, 1941, ch 561
War between United States and Germany	Res Dec 11, 1941, ch 564
War between United States and Italy	Res Dec. 11, 1941, ch. 565

I. PROCLAMATIONS OF STATE OF WAR

PROC. NO 2473 PROCLAMATION OF STATE OF WAR BETWEEN GERMANY-ITALY AND YUGOSLAVIA

Proc. No. 2473, Apr. 10, 1941, 6 Fed. Reg. 1905, 55 Stat. —, provided in part:

Now, therefore, I, FRANKLIN D ROOSEVELT, President of the United States of America, acting under and by virtue of the authority conferred on me by the said joint resolution, do hereby proclaim that, Germany and Italy having wantonly attacked Yugoslavia, a state of war exists between Germany and Italy, on the one hand, and Yugoslavia, on the other hand, and that it is necessary to promote the security and preserve the peace of the United States and to protect the lives of citizens of the United States.

And I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said joint resolution and in bringing to trial and punishment any offenders against the same.

And I do hereby delegate to the Secretary of State the power to exercise any power or authority conferred on me by the said joint resolution (Title 22, §§ 441-457), as made effective by this proclamation issued thereunder, which is not specifically delegated by Executive order to some other officer or agency of this Government, and the power to promulgate such rules and regulations not inconsistent with law as may be necessary and proper to carry out any of its provisions.

PROC. NO 2477. PROCLAMATION OF STATE OF WAR BETWEEN HUNGARY AND YUGOSLAVIA

Proc. No. 2477, Apr. 15, 1941, 6 Fed. Reg. 1995, 55 Stat. —, provided in part:

Now, therefore, I, FRANKLIN D ROOSEVELT, President of the United States of America, acting under and by virtue of the authority conferred on me by the said

joint resolution, do hereby proclaim that, Hungary having without justification attacked Yugoslavia, a state of war exists between Hungary and Yugoslavia and that it is necessary to promote the security and preserve the peace of the United States and to protect the lives of citizens of the United States

And I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said joint resolution and in bringing to trial and punishment any offenders against the same.

And I do hereby delegate to the Secretary of State the power to exercise any power or authority conferred on me by the said joint resolution (Title 22, §§ 441-457), as made effective by this my proclamation issued thereunder, which is not specifically delegated by Executive order to some other officer or agency of this Government, and the power to promulgate such rules and regulations not inconsistent with law as may be necessary and proper to carry out any of its provisions.

PROC. NO 2479 PROCLAMATION OF STATE OF WAR BETWEEN BULGARIA AND YUGOSLAVIA AND GREECE

Proc. No. 2479, April 24, 1941, 6 Fed. Reg. 2133, 55 Stat. —, provided in part:

Now, therefore, I, FRANKLIN D ROOSEVELT, President of the United States of America, acting under and by virtue of the authority conferred on me by the said joint resolution, do hereby proclaim that, Bulgaria having without justification attacked Yugoslavia and Greece, a state of war exists between Bulgaria, on the one hand, and Yugoslavia and Greece, on the other hand, and that it is necessary to promote the security and preserve the peace of the United States and to protect the lives of citizens of the United States

And I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said joint resolution and in bringing to trial and punishment any offenders against the same.

And I do hereby delegate to the Secretary of State the power to exercise any power or authority conferred on me by the said joint resolution (Title 22, §§ 441-457), as made effective by this my proclamation issued thereunder, which is not specifically delegated by Executive order to some other officer or agency of this Government, and, the power to promulgate such rules and regulations not inconsistent with law as may be necessary and proper to carry out any of its provisions

III. MISCELLANEOUS PROCLAMATIONS AND EXECUTIVE ORDERS

PROC. NO. 2487. UNLIMITED NATIONAL EMERGENCY

Proc No. 2487, May 27, 1941, 6 Fed. Reg. 2617, 55 Stat. —, is set out below:

Whereas on September 8, 1939 because of the outbreak of war in Europe a proclamation (Proc. No. 2352, set out in note under this division of this Appendix) was issued declaring a limited national emergency and directing measures "for the purpose of strengthening our national defense within the limits of peacetime authorizations",

Whereas a succession of events makes plain that the objectives of the Axis belligerents in such war are not confined to those avowed at its commencement, but include overthrow throughout the world of existing democratic order, and a worldwide domination of peoples and economies through the destruction of all resistance on land and sea and in the air, and

Whereas indifference on the part of the United States to the increasing menace would be perilous, and common prudence requires that for the security of this nation and of this hemisphere we should pass from peacetime authorizations of military strength to such a basis as will enable us to cope instantly and decisively with any attempt at hostile encirclement of this hemisphere, or the establishment of any base for aggression against it, as well as to repel the threat of predatory incursion by foreign agents into our territory and society.

Now, therefore, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do proclaim that an unlimited national emergency confronts this country, which requires that its military, naval, air and civilian defenses be put on the basis of readiness to repel any and all acts or threats of aggression directed toward any part of the Western Hemisphere.

I call upon all the loyal citizens engaged in production for defense to give precedence to the needs of the nation to the end that a system of government that makes private enterprise possible may survive.

I call upon all our loyal workmen as well as employers to merge their lesser differences in the larger effort to insure the survival of the only kind of government which recognizes the rights of labor or of capital.

I call upon loyal state and local leaders and officials to cooperate with the civilian defense agencies of the United States to assure our internal security against foreign directed subversion and to put every community in order for maximum productive effort and minimum of waste and unnecessary frictions.

I call upon all loyal citizens to place the nation's needs first in mind and in action to the end that we may mobilize and have ready for instant defensive use all of the physical powers, all of the moral strength and all of the material resources of this nation.

IV. DECLARATIONS OF WAR BY UNITED STATES (New)

WAR BETWEEN UNITED STATES AND JAPAN

Res. Dec. 8, 1941, 4:10 p. m., E. S. T., ch. 561, 55 Stat. 795, provided as follows:

"Whereas the Imperial Government of Japan has committed unprovoked acts of war against the Government and the people of the United States of America: Therefore be it

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the state of war between the United States and the Imperial Government of Japan which has thus been thrust upon the United States is hereby formally declared; and the President is hereby authorized and directed to employ the entire naval and military forces of the United States and the resources of the Government to carry on war against the Imperial Government of Japan; and, to bring the conflict to a successful termination, all of the resources of the country are hereby pledged by the Congress of the United States."

WAR BETWEEN UNITED STATES AND GERMANY

Res. Dec. 11, 1941, 3:05 p. m., E. S. T., ch. 564, 55 Stat. 796, provided as follows:

"Whereas the Government of Germany has formally declared war against the Government and the people of the United States of America: Therefore be it

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the state of war between the United States and the Government of Germany which has thus been thrust upon the United States is hereby formally declared; and the President is hereby authorized and directed to employ the entire naval and military forces of the United States and the resources of the Government to carry on war against the Government of Germany; and, to bring the conflict to a successful termination, all of the resources of the country are hereby pledged by the Congress of the United States."

WAR BETWEEN UNITED STATES AND ITALY

Res. Dec. 11, 1941, 3 06 p. m., E. S. T., ch. 565, 55 Stat. 797, provided as follows:

"Whereas the Government of Italy has formally declared war against the Government and the people of the United States of America: Therefore be it

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the state of war between the United States and the Government of Italy which has thus been thrust upon the United States is hereby formally declared; and the President is hereby authorized and directed to employ the entire naval and military forces of the United States and the resources of the Government to carry on war against the Government of Italy; and, to bring the conflict to a successful termination, all of the resources of the country are hereby pledged by the Congress of the United States."

TRADING WITH THE ENEMY ACT OF 1917

ACT OCT. 6, 1917, CH. 106, 40 STAT. 411

CROSS REFERENCES

Confirmation of certain acts, etc., made under provisions of sections 1-31 of this Appendix, see section 617 of this Appendix

§ 5. Suspension of provisions relating to ally of enemy; regulation of transaction in foreign exchange of gold or silver.

* * * * *

(b) (1) During the time of war or during any other period of national emergency declared by the President, the President may, through any agency that he may designate, or otherwise, and under such rules and regulations as he may prescribe, by means of instructions, licenses, or otherwise—

(A) investigate, regulate, or prohibit, any transactions in foreign exchange, transfers of credit or payments between, by, through, or to any banking institution, and the importing, exporting, hoarding, melting, or earmarking of gold or silver coin or bullion, currency or securities, and

(B) investigate, regulate, direct and compel, nullify, void, prevent or prohibit, any acquisition holding, withholding, use, transfer, withdrawal, transportation, importation or exportation of, or dealing in, or exercising any right, power, or privilege with respect to, or transactions involving, any property in which any foreign country or a national thereof has any interest,

by any person, or with respect to any property, subject to the jurisdiction of the United States; and any property or interest of any foreign country or national thereof shall vest, when, as, and upon the terms, directed by the President, in such agency or person as may be designated from time to time by the President, and upon such terms and conditions as the President may prescribe such interest or property shall be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States, and such designated agency or person may perform any and all acts incident to the accomplishment or furtherance of these purposes; and the President shall, in the manner hereinabove provided, require any person to keep a full record of, and to furnish under oath, in the form of reports or otherwise, complete information relative to any act or transaction referred to in this subdivision either before, during, or after the comple-

tion thereof, or relative to any interest in foreign property, or relative to any property in which any foreign country or any national thereof has or has had any interest, or as may be otherwise necessary to enforce the provisions of this subdivision, and in any case in which a report could be required, the President may, in the manner hereinabove provided, require the production, or if necessary to the national security or defense, the seizure, of any books of account, records, contracts, letters, memoranda, or other papers, in the custody or control of such person; and the President may, in the manner hereinabove provided, take other and further measures not inconsistent herewith for the enforcement of this subdivision.

(2) Any payment, conveyance, transfer, assignment, or delivery of property or interest therein, made to or for the account of the United States, or as otherwise directed, pursuant to this subdivision or any rule, regulation, instruction, or direction issued hereunder shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect to anything done or omitted in good faith in connection with the administration of, or in pursuance of and in reliance on, this subdivision, or any rule, regulation, instruction, or direction issued hereunder.

(3) As used in this subdivision the term "United States" means the United States and any place subject to the jurisdiction thereof, including the Philippine Islands, and the several courts of first instance of the Commonwealth of the Philippine Islands shall have jurisdiction in all cases, civil or criminal, arising under this subdivision in the Philippine Islands and concurrent jurisdiction with the district courts of the United States of all cases, civil or criminal, arising upon the high seas: *Provided, however,* That the foregoing shall not be construed as a limitation upon the power of the President, which is hereby conferred, to prescribe from time to time, definitions, not inconsistent with the purposes of this subdivision, for any or all of the terms used in this subdivision. Whoever willfully violates any of the provisions of this subdivision or of any license, order, rule or regulation issued thereunder, shall, upon conviction, be fined not more than \$10,000, or, if a natural person, may be imprisoned for not more than ten years, or both; and any officer, director, or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment, or both. As used in this subdivision the term "person" means an individual, partnership, association, or corporation. (As amended Dec. 18, 1941, ch. 593, title III, § 301, 55 Stat. 839.)

AMENDMENTS

1941—Act Dec. 18, 1941, cited to text, amended first sentence of subsec. (b).

EX. ORD. NO. 8843. REGULATION OF CONSUMER CREDIT

Ex Ord. No. 8843, Aug. 9, 1941, 6 Fed. Reg. 4035-4037, provided:

Whereas a large volume of credit is being devoted to financing and refinancing purchases of consumers' goods and services through extensions of credit that usually are

made to individuals and to a large extent are on an instalment payment basis; and

Whereas the conditions under which such credit is available have an important influence upon the volume and timing of demand, not only for the particular goods and services purchased on credit but also for goods and services in general, and

Whereas liberal terms for such credit tend to stimulate demand for consumers' durable goods the production of which requires materials, skills, and equipment needed for national defense; and

Whereas the extension of such credit in excessive volume tends to generate inflationary developments of increasing consequence as the limits of productive capacity are approached in more and more fields and to hinder the accumulation of savings available for financing the defense program; and

Whereas the public interest requires control of the use of instalment credit for financing and refinancing purchases of consumers' durable goods the production of which absorbs resources needed for national defense, in order (a) to facilitate the transfer of productive resources to defense industries, (b) to assist in curbing unwarranted price advances and profiteering which tend to result when the supply of such goods is curtailed without corresponding curtailment of demand, (c) to assist in restraining general inflationary tendencies, to support or supplement taxation imposed to restrain such tendencies, and to promote the accumulation of savings available for financing the defense program, (d) to aid in creating a backlog of demand for consumers' durable goods, and (e) to restrain the development of a consumer debt structure that would repress effective demand for goods and services in the post-defense period; and

Whereas in order to prevent evasion or avoidance of this order and such regulations as may be prescribed to effectuate its purposes, means should also be available for regulating the use of other instalment credit and other forms of credit usually extended to consumers or on consumers' durable goods; and

Whereas it is appropriate that such credit be controlled and regulated through an existing governmental agency which has primary responsibilities with respect to the determination and administration of national credit policies:

Now, therefore, by virtue of the authority vested in me by section 5 (b) of the Act of October 6, 1917, as amended (this section), and by virtue of all other authority vested in me, and in order, in the national emergency declared by me on May 27, 1941 (Proc. No. 2487, set out in note preceding section 1 of this Appendix), to promote the national defense and protect the national economy, it is hereby ordered as follows:

ADMINISTRATION

SECTION 1. (a) The Board of Governors of the Federal Reserve System (hereinafter called the Board) is hereby designated as the agency through which transfers of credit between and payments by or to banking institutions (as defined herein pursuant to section 5 (b) of the aforesaid Act) (this section) which constitute, or arise directly or indirectly out of, any extension of credit of a type set out in section 2 (a) of this order shall be investigated, regulated and prohibited.

(b) The Board shall, whenever it deems such action to be necessary or appropriate, take any lawful steps herein authorized and such other lawful steps as are within its power to carry out the purposes of this order, and may, in administering this order, utilize the services of the Federal Reserve Banks and any other agencies, Federal or State, which are available and appropriate.

(c) In order to facilitate the coordination of the Board's functions under this order with other phases of the program for national defense and for protecting the national economy, there shall be a committee consisting of the Secretary of the Treasury, the Federal Loan Administrator, and the Administrator of the Office of Price Administration and Civilian Supply, or such alternate as each shall designate, and such other members as the President shall subsequently appoint. The Board shall maintain liaison with the committee, and in formulating policies with respect to down-payments, maturities, terms of repay-

ment, and other such questions of general policy shall consult with the committee and take into consideration any suggestions or recommendations it may make

REGULATIONS

SECTION 2 (a) Whenever the Board shall determine that such action is necessary or appropriate for carrying out the purposes of this order, the Board shall prescribe regulations with respect to transfers and payments which constitute, or arise directly or indirectly out of, any extension of instalment credit for the purpose of purchasing or carrying any consumers' durable good except a residential building in its entirety; and the Board may in addition, to the extent deemed by it to be desirable and feasible in order to prevent evasion of such regulations as may be so prescribed or in order to control forms of credit the use of which might defeat the purposes of this order and such regulations, prescribe regulations with respect to transfers and payments which constitute, or arise directly or indirectly out of, (1) any other extension of instalment credit, or (2) any other extension of credit for the purpose of purchasing or carrying any consumers' durable good, or (3) any other extension of credit in the form of a loan other than a loan made for business purposes to a business enterprise or for agricultural purposes to a person engaged in agriculture. Such regulations may be prescribed by the Board at such times and with such effective dates as the Board shall deem to be in accordance with the purposes of this order.

(b) Such regulations may from time to time, originally or by amendment, regulate or prohibit such transfers and payments or exempt them from regulation or prohibition and may classify them according to the nature of the transactions or goods or persons involved or upon such other basis as may reasonably differentiate such transfers and payments for the purposes of regulations under this order, and may be made applicable to one or more of the classes so established; and, without limiting the generality of the foregoing, such regulations may require transactions or persons or classes thereof to be registered or licensed; may prescribe appropriate limitations, terms, and conditions for such registrations or licenses; may provide for suspension of any such registration or license for violation of any provision thereof or of any regulation, rule, or order prescribed hereunder, may prescribe appropriate requirements as to the keeping of records and as to the form, contents, or substantive provisions of contracts, liens, or any relevant documents; may prohibit solicitations by banking institutions which would encourage evasion or avoidance of the requirements of any regulation, license, or registration under this order; and may from time to time make appropriate provisions with respect to—

(1) The maximum amount of credit which may be extended on, or in connection with any purchase of, any consumers' durable good;

(2) The maximum maturity, minimum periodic payments, and maximum periods between payments, which may be stipulated in connection with extensions of credit;

(3) The methods of determining purchase prices or market values or other bases for computing permissible extensions of credit or required down-payments; and

(4) Special or different terms, conditions, or exemptions with respect to new or used goods, minimum original cash payments, temporary credits which are merely incidental to cash purchases, payment or deposits usable to liquidate credits, and other adjustments or special situations.

(c) On and after the effective date of any regulation prescribed by the Board with respect to any extension of credit of a type set out in section 2 (a), and notwithstanding the provisions of any other proclamation, order, regulation, or license under the aforesaid Act, all transfers and payments which are in violation of such regulation shall be and hereby are prohibited to the extent specified in such regulation.

(d) Neither this order nor any regulation issued thereunder shall affect the right of any person to enforce any contract, except that after the effective date of any such regulation every contract which is made in connection with any extension of credit and which violates, or the performance of which would violate, any provision of such regulation (other than a provision designated therein as

being for administrative purposes), and every lien, pledge, seller's interest in a conditional sale, or other property interest, subject to the provisions of such contract or created in connection therewith, shall be unenforceable by the person who extends such credit or by any person who acquires any right of such person in such contract; provided that such disability shall not apply to any person who extends such credit, or acquires such right for value, in good faith and without knowing or having reason to know the facts by reason of which the making or performance of such contract was or would be such a violation

REPORTS

SECTION 3. Reports concerning the kinds, amounts, and characteristics of any extensions of credit subject to this order, concerning transfers and payments which arise out of any such extensions of credit, or concerning circumstances related to such extensions of credit or such transfers or payments or to the regulation thereof, shall be filed on such forms, under oath or otherwise, at such times and from time to time, and by such persons, as the Board may prescribe by rule, regulation, or order as necessary or appropriate for enabling the Board to perform its functions under this order. The Board may require any person to furnish, under oath or otherwise, complete information relative to any transaction within the scope of this order, including the production of any books of account, contracts, letters, or other papers, in connection therewith in the custody or control of such person.

DEFINITIONS

SECTION 4. For the purposes of this order, unless the context otherwise requires, the following terms shall have the following meanings, provided that the Board may in its regulations give such terms more restricted meanings:

(a) "Person" has the meaning set forth in section 5 (b) of the Act of October 6, 1917, as amended (this section).

(b) "Transfers and payments" means "transfers of credit between and payments by or to banking institutions"

(c) "Banking institution" means any person engaged as principal, agent, broker, or otherwise, in the business of making or holding extensions of credit and includes, without limitation, any bank, any loan company, and finance company, or any other person engaged in the business of making or holding extensions of credit whether as a vendor of consumers' durable goods or otherwise.

(d) "Consumers' durable good" includes any good, whether new or used, which is durable or semi-durable and is used or usable for personal, family or household purposes, and any service connected with the acquisition of any such good or of any interest therein.

(e) "Extension of credit" means any loan or mortgage; any instalment purchase contract, any conditional sales contract, or any sale or contract of sale under which part or all of the price is payable subsequent to the making of such sale or contract; any rental-purchase contract, or any contract for the bailment or leasing of property under which the bailee or lessee either has the option of becoming the owner thereof or obligates himself to pay as compensation a sum substantially equivalent to or in excess of the value thereof; any contract creating any lien or similar claim or property to be discharged by the payment of money; any purchase, discount, or other acquisition of, or any extension of credit upon the security of, any obligation or claim arising out of any of the foregoing; and any transaction or series of transactions having a similar purpose or effect.

(f) An extension of credit is an extension of "instalment credit" if the obligor undertakes to repay the credit in two or more scheduled payments or undertakes to make two or more scheduled payments or deposits usable to liquidate the credit, or if the extension of credit has a similar purpose or effect, or if it is for the purpose of financing a business enterprise which makes such extensions of credit.

(g) An extension of credit is "for the purpose of purchasing or carrying any consumers' durable good" if it is directly or indirectly for the purpose of financing or refinancing the purchase of any consumers' durable good or is directly or indirectly secured by any consumers' durable good, or if the extension of credit has a similar

purpose or effect, or if it is for the purpose of financing a business enterprise which makes such extensions of credit.

PENALTIES

SECTION 5. Whoever willfully violates or knowingly participates in the violation of this order or of any regulation prescribed hereunder, shall be subject to the penalties applicable with respect to violations of section 5 (b) of the said Act of October 6, 1917, as amended (this section).

REGULATIONS ISSUED

Regulations supplementing Ex Ord. No. 8843 relating to consumer credit were issued on Aug. 21, 1941, by the Board of Governors of the Federal Reserve System and are set forth in 6 Fed. Reg. 4443-4447.

SELECTIVE TRAINING AND SERVICE ACT OF 1940

ACT SEPT. 16, 1940, 3:08 P. M., E. S. T., CH. 720,
54 STAT. 885

CROSS REFERENCES

Prostitution near military camps unlawful, see section 518a of Title 18, Criminal Code and Criminal Procedure.

§ 302. Registration of male citizens and alien residents; age limitations.

Except as otherwise provided in this Act, it shall be the duty of every male citizen of the United States, and of every other male person residing in the United States, who, on the day or days fixed for the first or any subsequent registration, is between the ages of eighteen and sixty-five, to present himself for and submit to registration at such time or times and place or places, and in such manner and in such age group or groups, as shall be determined by rules and regulations prescribed hereunder. (As amended Dec. 20, 1941, ch. 602, § 1, 55 Stat. 844.)

REGISTRATION DATES

The President called for registration of male citizens and alien residents under the terms of the Selective Training and Service Act of 1940, as amended, on the following dates: United States on Oct. 16, 1940, by Proc. No. 2425; Hawaii on Oct. 26, 1940, by Proc. No. 2430; Puerto Rico on Nov. 20, 1940, by Proc. No. 2431; Alaska on Jan. 22, 1941, by Proc. No. 2442; United States and Territories on July 1, 1941, by Proc. No. 2446; United States and the Territories of Alaska and Hawaii, and in Puerto Rico on Feb. 16, 1942 by Proc. No. 2535.

§ 303. Persons liable for training and service; number; term; status after completion of term; pay; allowances; and benefits; place of employment.

(a) Except as otherwise provided in this Act, every male citizen of the United States, and every other male person residing in the United States, who is between the ages of twenty and forty-five at the time fixed for his registration, or who attains the age of twenty after having been required to register pursuant to section 2 of this Act [section 302 of this Appendix], shall be liable for training and service in the land or naval forces of the United States: *Provided*, That any citizen or subject of a neutral country shall be relieved from liability for training and service under this Act if, prior to his induction into the land or naval forces, he has made application to be relieved from such liability in the manner prescribed by and in accordance with rules and regulations prescribed by the President, but any person who makes such application shall thereafter be debarred from becoming a citizen of the United States: *Provided further*, That no citizen or subject

of any country who has been or who may hereafter be proclaimed by the President to be an alien enemy of the United States shall be inducted for training and service under this Act unless he is acceptable to the land or naval forces. The President is authorized from time to time, whether or not a state of war exists, to select and induct into the land and naval forces of the United States for training and service, in the manner provided in this Act, such number of men as in his judgment is required for such forces in the national interest: *Provided*, That within the limits of the quota determined under section 4 (b) (section 304 (b) of this appendix) for the subdivision in which he resides, any person, regardless of race or color, between the ages of eighteen and forty-five, shall be afforded an opportunity to volunteer for induction into the land or naval forces of the United States for the training and service prescribed in subsection (b), but no person who so volunteers shall be inducted for such training and service so long as he is deferred after classification: *Provided further*, That no man shall be inducted for training and service under this Act unless and until he is acceptable to the land or naval forces for such training and service and his physical and mental fitness for such training and service has been satisfactorily determined: *Provided further*, That no men shall be inducted for such training and service until adequate provision shall have been made for such shelter, sanitary facilities, water supplies, heating and lighting arrangements, medical care, and hospital accommodations, for such men, as may be determined by the Secretary of War or the Secretary of the Navy, as the case may be, to be essential to public and personal health: *Provided further*, That except in time of war there shall not be in active training or service in the land forces of the United States at any one time under subsection (b) more than nine hundred thousand men inducted under the provisions of this Act. The men inducted into the land or naval forces for training and service under this Act shall be assigned to camps or units of such forces.

* * * *

(c) Each such man, after the completion of his period of training and service under subsection (b), shall be transferred to a reserve component of the land or naval forces of the United States; and until he attains the age of forty-five, or until the expiration of a period of ten years after such transfer, or until he is discharged from such reserve component, whichever occurs first, he shall be deemed to be a member of such reserve component and shall be subject to such additional training and service as may now or hereafter be prescribed by law: *Provided*, That any man who completes at least twelve months' training and service in the land forces under subsection (b), and who thereafter serves satisfactorily in the Regular Army or in the active National Guard for a period of at least two years, shall, in time of peace, be relieved from any liability to serve in any reserve component of the land or Naval forces of the United States and from further liability for the training and service under subsection (b), but nothing in this subsection shall be con-

strued to prevent any such man, while in a reserve component of such forces, from being ordered or called to active duty in such forces. The active military service or training and service of any person pursuant to section 2 of the Service Extension Act of 1941 (section 352 of this appendix) shall be credited against the service in a reserve component required by this section or section 4 of the Service Extension Act of 1941 (section 354 of this appendix). (As amended Aug. 18, 1941, ch. 362, § 5, 55 Stat. 627; Dec. 20, 1941, ch. 602, §§ 2, 9, 55 Stat. 844, 846.)

AMENDMENTS

1941—Subsec. (a) was amended by act Dec. 20, 1941, §§ 2, 9, cited to text. Said section 2 amended the last sentence. Said section 9 amended the first proviso of the second sentence by substituting "forty-five" for "thirty-six".

Subsec. (c) was amended by Res. Aug. 18, 1941, cited to text, which added last sentence.

SUSPENSION IN PART

The limitation on the number of men who may be in active training and service at any one time was temporarily suspended by section 359 of this Appendix.

EXTENSION BY PRESIDENT

By Ex. Ord. No. 8862, Aug. 21, 1941, 6 Fed. Reg. 4319, the President extended the period of active military service for eighteen months.

STATUS AND TERM OF SERVICE OF PERSONS INDUCTED INTO NAVY, MARINE CORPS, OR COAST GUARD

Act Dec. 20, 1941, ch. 602, § 8, 55 Stat. 846, provided as follows: "Persons inducted under the Selective Training and Service Act of 1940 who are inducted into or assigned to the Navy, Marine Corps, or Coast Guard, shall be members of the Navy, Marine Corps, or Coast Guard, as the case may be; and in time of war their periods of service or training and service may be extended by the President for such additional time as he may deem necessary in the interest of national defense. *Provided*, That the periods of service or training and service under section 3 (b) of such Act [section 303 (b) of this Appendix] of men who are detained under this section shall be terminated not later than six months after the termination of the war which authorized their detention, unless such men voluntarily extend their periods of service or training and service."

CROSS REFERENCES

Declaration that national interest is imperiled, see section 351 of this Appendix.

Extension of term of service during war, see section 732 of this Appendix.

Suspension of territorial ban on use of Army, see section 731 of this Appendix.

§ 304. Manner of selecting men for training and service; quotas.

(a) The selection of men for training and service under section 3 (section 303 of this appendix) (other than those who are voluntarily inducted pursuant to this Act) shall be made in an impartial manner, under such rules and regulations as the President may prescribe, from the men who are liable for such training and service and who at the time of selection are registered and classified but not deferred or exempted: *Provided*, That in the selection and training of men under this Act, and in the interpretation and execution of the provisions of this Act, there shall be no discrimination against any person on account of race or color: *Provided further*, That in the classification of registrants within the jurisdiction of any local board, the regis-

trants of any particular registration may be classified, in the manner prescribed by and in accordance with rules and regulations prescribed by the President, before, together with, or after the registrants of any prior registration or registrations; and in the selection for induction of persons within the jurisdiction of any local board and within any particular classification, persons who were registered at any particular registration may be selected, in the manner prescribed by and in accordance with rules and regulations prescribed by the President, before, together with, or after persons who were registered at any prior registration or registrations. (As amended Dec. 20, 1941, ch. 602, § 3, 55 Stat. 845.)

AMENDMENTS

1941—Act Dec. 20, 1941, cited to text, added last proviso to subsec. (a).

§ 305. Exceptions, exemptions, or deferments from training and service.

(a) Commissioned officers, warrant officers, pay clerks, and enlisted men of the Regular Army, the Navy, the Marine Corps, the Coast Guard, the Coast and Geodetic Survey, the Public Health Service, the federally recognized active National Guard, the Officers' Reserve Corps, the Regular Army Reserve, the Enlisted Reserve Corps, the Naval Reserve, and the Marine Corps Reserve; cadets, United States Military Academy; midshipmen, United States Naval Academy; cadets, United States Coast Guard Academy; men who have been accepted for admittance (commencing with the academic year next succeeding such acceptance) to the United States Military Academy as cadets, to the United States Naval Academy as midshipmen, or to the United States Coast Guard Academy as cadets, but only during the continuance of such acceptance; cadets of the advanced course, senior division, Reserve Officers' Training Corps or Naval Reserve Officers' Training Corps; and diplomatic representatives, technical attachés of foreign embassies and legations, consuls general, consuls, vice consuls, and consular agents of foreign countries, and persons in other categories to be specified by the President, residing in the United States, who are not citizens of the United States, and who have not declared their intention to become citizens of the United States, shall not be required to be registered under section 2 (section 302 of this appendix) and shall be relieved from liability for training and service under section 3 (b) (section 303 (b) of this appendix).

(b) In time of peace, the following persons shall be relieved from liability for training and service under section 3 (b) (303 (b) of this appendix) and from the liability to serve in any Reserve component of the land or naval forces imposed by this Act:

(1) Any person who shall have satisfactorily served as an officer or enlisted man for at least three consecutive years in the Regular Army, Navy, Marine Corps, or Coast Guard before or after or partially before and partially after the time fixed for registration under section 2 (302 of this appendix), or any enlisted man who has been or is hereafter honorably discharged from the Regular Army or the Coast Guard for the convenience of the Government within

six months prior to the completion of his regular three-year period of enlistment: *Provided*, That any person who has had such prior service and who has already been inducted for service may upon application be discharged and shall not be liable for further training and service in time of peace.

(2) Any person who as a member of the active National Guard shall have satisfactorily served as an officer or enlisted man for at least one year in active Federal service in the Army of the United States, and subsequent thereto for at least two consecutive years in the Regular Army or in the active National Guard, before or after or partially before and partially after the time fixed for registration under section 2 (302 of this appendix); or any person who as a member of the Naval Reserve or Marine Corps Reserve shall have satisfactorily served for at least three consecutive years on active duty before or after or partially before and partially after the time fixed for such registration; or any person who as a member of the Naval Reserve or Marine Corps Reserve shall have satisfactorily served for at least one year on active duty and for at least two consecutive years in the Regular Navy or Marine Corps or with an organized unit of the Naval Reserve or Marine Corps Reserve, before or after or partially before and partially after the time fixed for such registration.

(3) Any person who is an officer or enlisted man in the active National Guard at the time fixed for registration under section 2 (302 of this appendix), and who shall have satisfactorily served therein for at least six consecutive years, before or after or partially before and partially after the time fixed for such registration.

(4) Any person who is an officer in the Officers' Reserve Corps on the eligible list at the time fixed for registration under section 2 (302 of this appendix), and who shall have satisfactorily served therein on the eligible list for at least six consecutive years, before or after or partially before and partially after the time fixed for such registration.

(5) Any person who is an officer or an enlisted man in the organized Naval Reserve or the organized Marine Corps Reserve at the time fixed for registration under section 2 (302 of this appendix), and who shall have satisfactorily served therein for at least six consecutive years, before or after or partially before and partially after the time fixed for such registration or any person who is an officer or an enlisted man in the Naval Merchant Marine Reserve or Volunteer Naval Reserve or Volunteer Marine Corps Reserve at the time fixed for registration under section 2 (302 of this appendix), and who shall have satisfactorily served therein for at least eight consecutive years, before or after or partially before and partially after the time fixed for such registration.

(c) (1) The Vice President of the United States, the Governors, and all other State officials chosen by the voters of the entire State, of the several States and Territories, members of the legislative bodies of the United States and of the several States and Territories, judges of the courts of record of the United States and of the several States and Territo-

ries and the District of Columbia, shall, while holding such offices, be deferred from training and service under this Act in the land and naval forces of the United States.

* * * * *

(e) (1) The President is authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service under this Act in the land and naval forces of the United States of those men whose employment in industry, agriculture, or other occupations or employment, or whose activity in other endeavors, is found in accordance with section 10 (a) (2) (section 310 (a) (2) of this appendix) to be necessary to the maintenance of the national health, safety, or interest. The President is also authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service under this Act in the land and naval forces of the United States (1) of any or all of those men in a status with respect to persons dependent upon them for support which renders their deferment advisable, and (2) of any or all of those men found to be physically, mentally, or morally deficient or defective. No deferment from such training and service shall be made in the case of any individual except upon the basis of the status of such individual, and no such deferment shall be made of individuals by occupational groups or of groups of individuals in any plant or institution.

Rules and regulations issued pursuant to this subsection shall include provisions requiring that there be posted in a conspicuous place at the office of each local board a list setting forth the names and classifications of those men who have been classified by such local board.

(2) Anything in this Act to the contrary notwithstanding, the President is authorized, under such rules and regulations as he may prescribe, to provide for the deferment, by age group, or groups, from training and service under this Act in the land and naval forces of the United States, of those men whose age or ages are such that he finds their deferment to be advisable in the national interest: *Provided*, That the President may, upon finding that it is in the national interest, terminate the deferment by age group or groups of any or all of the men so deferred. (As amended May 29, 1941, ch. 155, 55 Stat. 211; Aug. 16, 1941, ch. 355, §§ 1, 2, 55 Stat. 621; Dec. 20, 1941, ch. 602, §§ 4-6, 55 Stat. 845.)

AMENDMENTS

1941—Subsec. (a) was amended by act Dec. 20, 1941, § 4, cited to text.

Subsec. (b) (1) was amended by act Aug. 16, 1941, cited to text, which inserted words "or any enlisted man who has been * * * regular three-year period of enlistment."

Subsec. (c) (1) was amended by act Dec. 20, 1941, § 4, cited to text.

Subsec. (e) was amended by acts Aug. 1, 1941, and Dec. 20, 1941, §§ 5, 6, both cited to text.

§ 308. Service and health certificates; employment and reemployment provisions; voting during service.

CROSS REFERENCES

Reemployment benefits extended to persons who enter service after May 1, 1940, see section 357 of this Appendix.

§ 315. Definitions.

(a) The term "between the ages of twenty and forty-five" shall refer to men who have attained the twentieth anniversary of the day of their birth and who have not attained the forty-fifth anniversary of the day of their birth; and other terms designating different age groups shall be construed in a similar manner. (As amended Dec. 20, 1941, ch. 602, § 7, 55 Stat. 845.)

SERVICE EXTENSION ACT OF 1941 (New)

RES. AUG. 18, 1941, CH. 362, 55 STAT. 626-628

Sec.

- 351. Declaration of national peril.
- 352. Extension of periods of service; limitations.
- 353. Insurance for persons whose period of military service is extended.
- 354. Release from service; certificate of service; member of reserve component
- 355. Amendment of section 303 (c) of this appendix.
- 356. Authority to order retired personnel of Regular Army to active duty.
- 357. Extension of reemployment benefits under section 308 of this appendix
- 358. Additional compensation for active service in excess of twelve months; duration of section.
- 359. Suspension of provisions limiting number of men in active training and service.
- 360. Enlistments in the Army of the United States.
- 361. Amendment of section 401 of this appendix.
- 362. Short title.

§ 351. Declaration of national peril.

The Congress, acting in accordance with and solely for the purpose of carrying into effect the provisions of section 3 (b) of the Selective Training and Service Act of 1940 (303 (b) of this Appendix), hereby declares that the national interest is imperiled. (Aug. 18, 1941, ch. 362, § 1, 55 Stat. 626.)

§ 352. Extension of periods of service; limitations.

The President is hereby authorized, subject, however, to the condition hereinafter stated, to extend, for such periods of time as may be necessary in the interests of national defense, the periods of service, training and service, enlistment, appointment, or commission, of any or all persons inducted for training and service under said Act (sections 301-318 of this appendix), members and units of the reserve components of the Army of the United States (including the National Guard of the United States), retired personnel and enlisted men of the Regular Army, and any other members of the Army, who are now, or who may hereafter be, in or subject to active military service, or training and service: *Provided*, That extension of the periods of active military service, or training and service, in the case of any person subject to the provisions of this section, shall not, without his consent, exceed eighteen months in the aggregate; except that whenever the Congress declares that it is in the interests of national defense to further extend such periods of active military service and training and service, such periods may be further extended by the President, in the case of any such persons, for such time as may be necessary

in the interests of national defense: *Provided further*, That the authority hereby conferred is subject to the condition that the delegation of such authority may be revoked at any time by concurrent resolution of the Congress. (Aug. 18, 1941, ch. 362, § 2, 55 Stat. 626.)

CROSS REFERENCES

Extension of term of service during war, see section 732 of this Appendix.

§ 353. Insurance for persons whose period of military service is extended.

Any person whose period of active military service or training and service is extended under section 2 (352 of this appendix) and who was (a) ordered to active Federal service under Public Resolution Numbered 96, Seventy-sixth Congress (sections 401-405 of this appendix), or (b) inducted under the Selective Training and Service Act of 1940, as amended (sections 301-318 of this appendix), prior to the enactment of this Act, shall, notwithstanding the limitation in section 602 (a) of the National Service Life Insurance Act of 1940 (section 802 of Title 38), upon the time within which application for National Service Life Insurance may be made, be granted insurance under such section without further medical examination if application therefor is filed within one hundred and twenty days after the date of enactment of this Act. (Aug. 18, 1941, ch. 362, § 3, 55 Stat. 626.)

§ 354. Release from service; certificate of service; member of reserve component.

The Secretary of War shall, when not in conflict with the interests of national defense, release from active military service those persons who apply therefor through the regular military channels and state their reasons for such release, and whose retention in active military service would, in the judgment of the Secretary of War, subject them or their wives or other dependents to undue hardship if retained on active military service. Any person so released who, in the judgment of those in authority over him, has served satisfactorily shall be entitled to a certificate to that effect, which shall be in the same form and have the same force and effect as a certificate issued under the provisions of section 8 of the Selective Training and Service Act of 1940, as amended (section 308 of this appendix). Any person so released shall be transferred to, or remain in, as the case may be, a reserve component of the land forces for the same period and with the same rights, duties, and liabilities as any person transferred to a reserve component of the land forces under the provisions of section 3 (c) of such Act (section 303 (c) of this appendix). (Aug. 18, 1941, ch. 362, § 4, 55 Stat. 627.)

§ 355. Amendment of section 303 (c) of this appendix.

Section 3 (c) of the Selective Training and Service Act of 1940, as amended (section 303 (c) of this appendix), is amended by adding at the end thereof the following: "The active military service or training and service of any person pursuant to section 2 of the Service Extension Act of 1941 (section 352 of this appendix) shall be credited against the service in a reserve component required by this section or section

4 of the Service Extension Act of 1941 (section 354 of this appendix)." (Aug. 18, 1941, ch. 362, § 5, 55 Stat. 627.)

§ 356. Authority to order retired personnel of Regular Army to active duty.

The President is hereby authorized to order retired personnel of the Regular Army to active duty and to employ them as he shall deem necessary in the interests of national defense. (Aug. 18, 1941, ch. 362, § 6, 55 Stat. 627.)

§ 357. Extension of reemployment benefits under section 308 of this appendix.

Any person who, subsequent to May 1, 1940, and prior to the termination of the authority conferred by section 2 of this joint resolution (section 352 of this appendix), shall have entered upon active military or naval service in the land or naval forces of the United States shall be entitled to all the reemployment benefits of section 8 of the Selective Training and Service Act of 1940 (section 308 of this appendix) to the same extent as in the case of persons inducted under said Act (sections 301–318 of this appendix): *Provided*, That the provisions of section 8 (b) (A) of said Act (section 308 (b) (A) of this appendix) shall be applicable to any such person without regard to whether the position which he held shall have been covered into the classified civil service during the period of his military or naval service. (Aug. 18, 1941, ch. 362, § 7, 55 Stat. 627.)

§ 358. Additional compensation for active service in excess of twelve months; duration of section.

(a) Any person inducted into the land or naval forces of the United States for active training and service, under section 3 (b) of the Selective Training and Service Act of 1940 (section 303 of this appendix) shall, in addition to the amounts otherwise payable to such person with respect to such training and service, be entitled to receive the sum of \$10 for each month of such training and service in excess of twelve. The provisions of this section shall also apply (1) to any enlisted personnel of the National Guard of the United States or of any other reserve component of the Army of the United States ordered into the active military service under the authority of Public Resolution Numbered 96, approved August 27, 1940 (sections 401–405 of this appendix), or section 37a of the National Defense Act of 1916, as amended (section 369 of Title 10) for any such service so rendered by any such personnel in excess of twelve months, and (2) to any enlisted personnel of the Regular Army for each month of military service rendered by him after the date of enactment of this joint resolution, and after his total military service (rendered before or after such date) exceeds twelve months.

(b) The provisions of this section shall be applicable only during the period of the unlimited emergency declared by the President on May 27, 1941. (Aug. 18, 1941, ch. 362, § 8, 55 Stat. 627.)

§ 359. Suspension of provisions limiting number of men in active training and service.

During the existence of the authority conferred by section 2 of this joint resolution (section 352 of

this appendix) and for six months thereafter the limitation on the number of men who may be in active training and service at any one time under section 3 (b) of the Selective Training and Service Act of 1940 (section 303 (b) of this appendix) is hereby suspended: *Provided*, That the Secretary of War shall report to the Congress each month the number of men in active training and service in the land forces under section 3 (b) of said Act (section 303 (b) of this appendix). (Aug. 18, 1941, ch. 362, § 9, 55 Stat. 628.)

§ 360. Enlistments in the Army of the United States.

During the existence of the authority conferred by section 2 of this joint resolution (section 352 of this appendix) enlistments in the Army of the United States, without regard to component, are hereby authorized in the manner provided by the concluding paragraph of section 127a of the National Defense Act, as amended (section 634 of Title 10). (Aug. 18, 1941, ch. 362, § 10, 55 Stat. 628.)

§ 361. Amendment of section 401 of this appendix.

Section 1 of Public Resolution Numbered 96, Seventy-sixth Congress, approved August 27, 1940 (section 401 of this appendix), is hereby amended (1) by inserting after "June 30, 1942," the following: "or six months after the termination of the authority conferred by section 2 of the Service Extension Act of 1941 (section 352 of this appendix), whichever is the later" and (2) by adding at the end thereof the following: "Notwithstanding the foregoing provisions of this section the President is authorized to order the same member or the same unit into the active military service of the United States for more than one period, except that in the case of any such member any active military service under authority of this resolution in excess of twelve months shall be deemed an extension of active military service within the meaning of section 2 of the Service Extension Act of 1941 (section 352 of this appendix)." (Aug. 18, 1941, ch. 362, § 11, 55 Stat. 628.)

§ 362. Short title.

This joint resolution may be cited as the "Service Extension Act of 1941". (Aug. 18, 1941, ch. 362, § 12, 55 Stat. 628.)

ARMY RESERVE AND RETIRED PERSONNEL SERVICE LAW OF 1940

RES. AUG. 27, 1940, CH. 689, 54 STAT. 858

§ 401. Ordering reserve forces and retired personnel of Army to active service; term; place of employment.

During the period ending June 30, 1942, or six months after the termination of the authority conferred by section 2 of the Service Extension Act of 1941, whichever is the later the President is hereby authorized from time to time to order into the active military service of the United States for a period of twelve consecutive months each, any or all members and units of any or all reserve components of the Army of the United States (except that any person in the National Guard of the United States under

the age of 18 years so ordered into the active military service shall be immediately issued an honorable discharge from the National Guard of the United States), and retired personnel of the Regular Army, with or without their consent, to such extent and in such manner as he may deem necessary for the strengthening of the national defense: *Provided*, That the members and units of the reserve components of the Army of the United States ordered into active Federal service under this authority shall not be employed beyond the limits of the Western Hemisphere except in the territories and possessions of the United States, including the Philippine Islands. Notwithstanding the foregoing provisions of this section the President is authorized to order the same member or the same unit into the active military service of the United States for more than one period, except that in the case of any such member any active military service under authority of this resolution in excess of twelve months shall be deemed an extension of active military service within the meaning of section 2 of the Service Extension Act of 1941 (section 352 of this appendix). (As amended Aug. 18, 1941, ch. 362, § 11, 55 Stat. 628.)

AMENDMENTS

1941—Res. Aug. 18, 1941, cited to text, inserted words "or six months after the termination of the authority conferred by section 2 of the Service Extension Act of 1941, whichever is the later," and added last sentence.

CROSS REFERENCES

Extension of term of service during war, see section 732 of this Appendix.

Suspension of territorial ban on use of Army, see section 731 of this Appendix.

FIRST WAR POWERS ACT, 1941 (New)

ACT DECEMBER 18, 1941, CH. 593, 55 STAT. 838

TITLE I.—COORDINATION OF EXECUTIVE BUREAUS IN THE INTEREST OF THE MORE EFFICIENT CONCENTRATION OF THE GOVERNMENT

Sec.

- 601. Coordination of executive bureaus, offices, etc. by President for national defense and to prosecute the war; issuance of regulations.
- 602. Same; consolidation of offices; transfer of duties, personnel, and records.
- 603. Expenditure of appropriations for bureaus, offices, etc.
- 604. Presidential recommendation to Congress for elimination of certain bureaus, offices, etc.
- 605. Suspension of conflicting laws; restoration of duties and powers to bureaus, offices, etc., upon termination of sections.

TITLE II.—CONTRACTS

- 611. War contracts exempt from certain restrictions upon authorization by President.

TITLE III.—TRADING WITH THE ENEMY

- 616. Amendment of section 5 of this Appendix and section 95a of Title 12.
- 617. Confirmation of certain acts, etc., made under sections 1-31 of this Appendix
- 618. Censorship of communications; penalties and forfeitures.

TITLE IV.—TIME LIMIT AND SHORT TITLE

- 621. Termination of sections 601-605, and 611 of this Appendix.
- 622. Short title.

TITLE I.—COORDINATION OF EXECUTIVE BUREAUS IN THE INTEREST OF THE MORE EFFICIENT CONCENTRATION OF THE GOVERNMENT

§ 601. Coordination of executive bureaus, offices, etc., by President for national defense and to prosecute the war; issuance of regulations.

For the national security and defense, for the successful prosecution of the war, for the support and maintenance of the Army and Navy, for the better utilization of resources and industries, and for the more effective exercise and more efficient administration by the President of his powers as Commander in Chief of the Army and Navy, the President is hereby authorized to make such redistribution of functions among executive agencies as he may deem necessary, including any functions, duties, and powers hitherto by law conferred upon any executive department, commission, bureau, agency, governmental corporation, office, or officer, in such manner as in his judgment shall seem best fitted to carry out the purposes of this title [sections 601-605 of this Appendix], and to this end is authorized to make such regulations and to issue such orders as he may deem necessary, which regulations and orders shall be in writing and shall be published in accordance with the Federal Register Act of 1935 [sections 301-310, 311-314 of Title 44]: *Provided*, That the termination of this title [sections 601-605 of this Appendix], shall not affect any act done or any right or obligation accruing or accrued pursuant to this title [sections 601-605 of this Appendix] and during the time that this title [sections 601-605 of this Appendix], is in force: *Provided further*, That the authority by this title [sections 601-605 of this Appendix], granted shall be exercised only in matters relating to the conduct of the present war: *Provided further*, That no redistribution of functions shall provide for the transfer, consolidation, or abolition of the whole or any part of the General Accounting Office or of all or any part of its functions. (Dec. 18, 1941, ch. 593, title I, § 1, 55 Stat. 838.)

TRADING WITH ENEMY ACT AMENDMENT

Section 301 of act Dec. 18, 1941, cited to text, amended the Trading With Enemy Act and is set out at section 5 of this Appendix and section 95a of Title 12, Banks and Banking.

CROSS REFERENCES

Termination of section, see section 621 of this Appendix.

§ 602. Same; consolidation of offices; transfer of duties, personnel, and records.

In carrying out the purposes of this title (sections 601-605 of this Appendix) the President is authorized to utilize, coordinate, or consolidate any executive or administrative commissions, bureaus, agencies, governmental corporations, offices, or officers now existing by law, to transfer any duties or powers from one existing department, commission, bureau, agency, governmental corporation, office, or officer to another, to transfer the personnel thereof or any part of it either by detail or assignment, together with the whole or any part of the records and public prop-

erty belonging thereto. (Dec. 18, 1941, ch. 593, title I, § 2, 55 Stat. 838.)

CROSS REFERENCES

Termination of section, see section 621 of this Appendix.

§ 603. Expenditure of appropriations for bureaus, offices, etc.

For the purpose of carrying out the provisions of this title (sections 601–605 of this Appendix), any moneys heretofore and hereafter appropriated for the use of any executive department, commission, bureau, agency, governmental corporation, office, or officer shall be expended only for the purposes for which it was appropriated under the direction of such other agency as may be directed by the President hereunder to perform and execute said functions, except to the extent hereafter authorized by the Congress in appropriation Acts or otherwise. (Dec. 18, 1941, ch. 593, title I, § 3, 55 Stat. 838.)

CROSS REFERENCES

Termination of section, see section 621 of this Appendix.

§ 604. Presidential recommendation to Congress for elimination of certain bureaus, offices, etc.

Should the President, in redistributing the functions among the executive agencies as provided in this title (sections 601–605 of this Appendix), conclude that any bureau should be abolished and it or their duties and functions conferred upon some other department or bureau or eliminated entirely, he shall report his conclusions to Congress with such recommendations as he may deem proper. (Dec. 18, 1941, ch. 593, title I, § 4, 55 Stat. 839.)

CROSS REFERENCES

Termination of section, see section 621 of this Appendix.

§ 605. Suspension of conflicting laws; restoration of duties and powers to bureaus, offices, etc., upon termination of sections.

All laws or parts of laws conflicting with the provisions of this title (sections 601–605 of this Appendix) are to the extent of such conflict suspended while this title (sections 601–605 of this Appendix) is in force.

Upon the termination of this title (sections 601–605 of this Appendix) all executive or administrative agencies, governmental corporations, departments, commissions, bureaus, offices, or officers shall exercise the same functions, duties, and powers as heretofore or as hereafter by law may be provided, any authorization of the President under this title (sections 601–605 of this Appendix) to the contrary notwithstanding. (Dec. 18, 1941, ch. 593, title I, § 5, 55 Stat. 839.)

CROSS REFERENCES

Termination of section, see section 621 of this Appendix.

TITLE II.—CONTRACTS

§ 611. War contracts exempt from certain restrictions upon authorization by President.

The President may authorize any department or agency of the Government exercising functions in connection with the prosecution of the war effort, in accordance with regulations prescribed by the President for the protection of the interests of the Government, to enter into contracts and into amend-

ments or modifications of contracts heretofore or hereafter made and to make advance, progress and other payments thereon, without regard to the provisions of law relating to the making, performance, amendment, or modification of contracts whenever he deems such action would facilitate the prosecution of the war: *Provided*, That nothing herein shall be construed to authorize the use of the cost-plus-a-percentage-of-cost system of contracting: *Provided further*, That nothing herein shall be construed to authorize any contracts in violation of existing law relating to limitation of profits: *Provided further*, That all acts under the authority of this section shall be made a matter of public record under regulations prescribed by the President and when deemed by him not to be incompatible with the public interest. (Dec. 18, 1941, ch. 593, title II, § 201, 55 Stat. 839.)

EX. ORD. NO 9001. AUTHORIZING WAR AND NAVY DEPARTMENTS, AND MARITIME COMMISSION TO PERFORM FUNCTIONS AND POWERS DESCRIBED IN SECTION 611 OF THIS APPENDIX

Ex Ord No 9001, Dec. 27, 1941, 6 Fed Reg 6787 provided: The successful prosecution of the war requires an all-out industrial mobilization of the United States in order that the materials necessary to win the war may be produced in the shortest possible time. To accomplish this objective it is necessary that the Departments of War and the Navy and the United States Maritime Commission cooperate to the fullest possible degree with the Office of Production Management in the endeavor to make available for the production of war material all the industrial resources of the Country. It is expected that in the exercise of the powers hereinafter granted, these Agencies and the Office of Production Management will work together to bring about the conversion of manufacturing industries to war production, including the surveying of the war potential of industries, plant by plant; the spreading of war orders; the conversion of facilities; the assurance of efficient and speedy production, the development and use of subcontracting to the fullest extent and the conservation of strategic materials.

TITLE I

1. By virtue of the authority in me vested by the Act of Congress, entitled "An Act to expedite the prosecution of the War effort", approved December 18, 1941, (hereinafter called "the Act") (sections 601 et seq of Appendix to Title 50) and as President of the United States and Commander-in-Chief of the Army and Navy of the United States, and deeming that such action will facilitate the prosecution of the war, I do hereby order that the War Department, the Navy Department, and the United States Maritime Commission be and they hereby respectively are authorized within the limits of the amounts appropriated therefor to enter into contracts and into amendments or modifications of contracts heretofore or hereafter made, and to make advance, progress, and other payments thereon, without regard to the provisions of law relating to the making, performance, amendment, or modification of contracts. The authority herein conferred may be exercised by the Secretary of War, the Secretary of the Navy, or the United States Maritime Commission respectively or in their discretion and by their direction respectively may also be exercised through any other officer or officers or civilian officials of the War or the Navy Departments or the United States Maritime Commission. The Secretary of War, the Secretary of the Navy, or the United States Maritime Commission may confer upon any officer or officers of their respective departments, or civilian officials thereof, the power to make further delegations of such powers within the War and the Navy Departments, and the United States Maritime Commission.

2. The contracts hereby authorized to be made include agreements of all kinds (whether in the form of letters of intent, purchase orders, or otherwise) for all types and kinds of things and services necessary, appropriate or convenient for the prosecution of war, or for the invention,

development, or production of, or research concerning any such things, including but not limited to, aircraft, buildings, vessels, arms, armament, equipment, or supplies of any kind, or any portion thereof, including plans, spare parts and equipment therefor, materials, supplies, facilities, utilities, machinery, machine tools, and any other equipment, without any restriction of any kind, either as to type, character, location or form.

3. The War Department, the Navy Department, and the United States Maritime Commission may by agreement modify or amend or settle claims under contracts heretofore or hereafter made, may make advance, progress, and other payments upon such contracts of any percentum of the contract price, and may enter into agreements with contractors and/or obligors, modifying or releasing accrued obligations of any sort, including accrued liquidated damages or liability under surety or other bonds, whenever, in the judgment of the War Department, the Navy Department, or the United States Maritime Commission respectively the prosecution of the war is thereby facilitated. Amendments and modifications of contracts may be with or without consideration and may be utilized to accomplish the same things as any original contract could have accomplished hereunder, irrespective of the time or circumstances of the making of or the form of the contract amended or modified, or of the amending or modifying contract, and irrespective of rights which may have accrued under the contract, or the amendments or modifications thereof.

4. Advertising, competitive bidding, and bid, payment, performance or other bonds or other forms of security, need not be required.

TITLE II

Pursuant to Title II of the Act (section 611 of Appendix to Title 50) and for the protection of the interests of the United States, I do hereby prescribe the following regulations for the exercise of the authority herein conferred upon the War Department, the Navy Department, and the United States Maritime Commission

1. All contracts and all purchases made pursuant to the Act (sections 601 et seq. of Appendix to Title 50) and this Executive Order shall be reported to the President of the United States. Such reports shall be made at least quarter-annually, provided, however, that purchases or contracts of less than \$100,000 may be consolidated in such reports with other such purchases and need not be separately set forth. In case the War Department, the Navy Department, or the United States Maritime Commission shall deem any purchase or contract to be restricted, confidential, or secret in its nature by reason of its subject matter, or for other reasons affecting the public interest, such purchases or contracts shall not be included with those described in the report just mentioned, but shall be included in a separate report containing such restricted, confidential, or secret purchases or contracts. The Secretary of War, the Secretary of the Navy, and the United States Maritime Commission shall make public so much of such reports (other than those reports covering restricted, confidential, or secret contracts or purchases) as they shall respectively deem to be compatible with the public interest.

2. Notwithstanding anything in the Act (sections 601 et seq. of Appendix to Title 50) or this Executive Order the War Department, the Navy Department, and the United States Maritime Commission shall not discriminate in any act performed thereunder against any person on the ground of race, creed, color or national origin, and all contracts shall be deemed to incorporate by reference a provision that the contractor and any subcontractors thereunder shall not so discriminate.

3. No claim against the United States arising under any purchase or contract made under the authority of the Act (sections 601 et seq. of Appendix to Title 50) shall be assigned except in accordance with the Assignment of Claims Act, 1940 (Public No 811, 76th Congress, approved October 9, 1940) (section 203 of Title 31 and section 15 of Title 41).

4. Advance payments shall be made hereunder only after careful scrutiny to determine that such payments will promote the national interest and under such regulations to that end as the Secretary of War, the Secretary of the

Navy, or the United States Maritime Commission may prescribe

5. Every contract entered into pursuant to this order shall contain a warranty by the contractor in substantially the following terms:

The contractor warrants that he has not employed any person to solicit or secure this contract upon any agreement for a commission, percentage, brokerage, or contingent fee. Breach of this warranty shall give the Government the right to annul the contract, or, in its discretion, to deduct from the contract price or consideration the amount of such commission, percentage, brokerage, or contingent fees. This warranty shall not apply to commissions payable by contractors upon contracts or sales secured or made through bona fide established commercial or selling agencies maintained by the contractor for the purpose of securing business.

6. Nothing herein shall be construed to authorize the cost-plus-a-percentage-of-cost system of contracting.

7. Nothing herein shall be construed to authorize any contracts in violation of existing law relating to limitation of profits, or the payment of a fee in excess of such limitation as may be specifically set forth in the act appropriating the funds obligated by a contract. In the absence of such limitation, the fixed fee to be paid the Contractor as a result of any cost-plus-a-fixed-fee contract entered into under the authority of this Order shall not exceed seven per centum of the estimated cost of the contract (exclusive of the fee as determined by the Secretary of War, the Secretary of the Navy, or the United States Maritime Commission, as the case may be).

8. No contract or modification or amendment thereof shall be exempt from the provisions of the Walsh-Healey Act (49 Stat. 2036) (sections 35-45 of Title 41) because of being entered into without advertising or competitive bidding, and the provisions of such act, the Davis-Bacon Act, as amended (49 Stat. 1011) (sections 276a to 276a-5 of Title 40), the Copeland Act, as amended (48 Stat. 948) (sections 276b and 276c of Title 40), and the Eight Hour Law, as amended by the Act of September 9, 1940 (Public No 781, 76th Congress) (sections 321 et seq. of Title 40) if otherwise applicable shall apply to contracts made and performed under the authority of this Order.

TITLE III.—TRADING WITH THE ENEMY

§ 616. Amendment of section 5 of this Appendix and section 95a of Title 12.

The first sentence of subdivision (b) of section 5 of the Trading With the Enemy Act of October 6, 1917 (40 Stat. 411), as amended (section 95a of Title 12 and section 5 of this Appendix), is hereby amended to read as follows:

(1) During the time of war or during any other period of national emergency declared by the President, the President may, through any agency that he may designate, or otherwise, and under such rules and regulations as he may prescribe, by means of instructions, licenses, or otherwise—

(A) investigate, regulate, or prohibit, any transactions in foreign exchange, transfers of credit or payments between, by, through, or to any banking institution, and the importing, exporting, hoarding, melting, or earmarking of gold or silver coin or bullion, currency or securities, and

(B) investigate, regulate, direct and compel, nullify, void, prevent or prohibit, any acquisition holding, withholding, use, transfer, withdrawal, transportation, importation or exportation of, or dealing in, or exercising any right, power, or privilege with respect to, or transactions involving, any property in which any foreign country or a national thereof has any interest, by any person, or with respect to any property, subject to the jurisdiction of the United States; and any property or interest of any foreign

country or national thereof shall vest, when, as, and upon the terms, directed by the President, in such agency or person as may be designated from time to time by the President, and upon such terms and conditions as the President may prescribe such interest or property shall be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States, and such designated agency or person may perform any and all acts incident to the accomplishment or furtherance of these purposes; and the President shall, in the manner hereinabove provided, require any person to keep a full record of, and to furnish under oath, in the form of reports or otherwise, complete information relative to any act or transaction referred to in this subdivision either before, during, or after the completion thereof, or relative to any interest in foreign property, or relative to any property in which any foreign country or any national thereof has or has had any interest, or as may be otherwise necessary to enforce the provisions of this subdivision, and in any case in which a report could be required, the President may, in the manner hereinabove provided, require the production, or if necessary to the national security or defense, the seizure, of any books of account, records, contracts, letters, memoranda, or other papers, in the custody or control of such person; and the President may, in the manner hereinabove provided, take other and further measures not inconsistent herewith for the enforcement of this subdivision.

(2) Any payment, conveyance, transfer, assignment, or delivery of property or interest therein, made to or for the account of the United States, or as otherwise directed, pursuant to this subdivision or any rule, regulation, instruction, or direction issued hereunder shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect to anything done or omitted in good faith in connection with the administration of, or in pursuance of and in reliance on, this subdivision, or any rule, regulation, instruction, or direction issued hereunder.

(3) As used in this subdivision the term "United States" means the United States and any place subject to the jurisdiction thereof, including the Philippine Islands, and the several courts of first instance of the Commonwealth of the Philippine Islands shall have jurisdiction in all cases, civil or criminal, arising under this subdivision in the Philippine Islands and concurrent jurisdiction with the district courts of the United States of all cases, civil or criminal, arising upon the high seas: *Provided, however*, That the foregoing shall not be construed as a limitation upon the power of the President, which is hereby conferred, to prescribe from time to time, definitions, not inconsistent with the purposes of this subdivision, for any or all of the terms used in this subdivision. (Dec. 18, 1941, ch. 593, title III, § 301, 55 Stat. 839.)

§ 617. Confirmation of certain acts, etc., made under sections 1-31 of this Appendix.

All acts, actions, regulations, rules, orders, and proclamations heretofore taken, promulgated, made,

or issued by, or pursuant to the direction of, the President or the Secretary of the Treasury under the Trading With the Enemy Act of October 6, 1917 (40 Stat. 411), as amended (sections 1-31 of this Appendix), which would have been authorized if the provisions of this Act and the amendments made by it had been in effect, are hereby approved, ratified, and confirmed. (Dec. 18, 1941, ch. 593, title III, § 302, 55 Stat. 840.)

§ 618. Censorship of communications; penalties and forfeitures.

Whenever, during the present war, the President shall deem that the public safety demands it, he may cause to be censored under such rules and regulations as he may from time to time establish, communications by mail, cable, radio, or other means of transmission passing between the United States and any foreign country he may from time to time specify, or which may be carried by any vessel or other means of transportation touching at any port, place, or Territory of the United States and bound to or from any foreign country. Any person who willfully evades or attempts to evade the submission of any such communication to such censorship or willfully uses or attempts to use any code or other device for the purpose of concealing from such censorship the intended meaning of such communication shall, upon conviction, be fined not more than \$10,000, or, if a natural person, imprisoned for not more than ten years, or both; and the officer, director, or agent of any corporation who knowingly participates in such violation shall be punished by a like fine, imprisonment, or both, and any property, funds, securities, papers, or other articles or documents, or any vessel, together with her tackle, apparel, furniture, and equipment, concerned in such violation shall be forfeited to the United States. (Dec. 18, 1941, ch. 593, title III, § 303, 55 Stat. 840.)

TITLE IV.—TIME LIMIT AND SHORT TITLE

§ 621. Termination of sections 601-605, and 611 of this Appendix.

Titles I and II of this Act (sections 601-605, and 611 of this Appendix) shall remain in force during the continuance of the present war and for six months after the termination of the war, or until such earlier time as the Congress by concurrent resolution or the President may designate. (Dec. 18, 1941, ch. 593, title IV, § 401, 55 Stat. 841.)

§ 622. Short title.

This Act may be cited as the "First War Powers Act, 1941." (Dec. 18, 1941, ch. 593, title IV, § 402, 55 Stat. 841.)

MISCELLANEOUS ACTS

Sec. ACT OF JULY 2, 1940
702. Application of section 99 to territories, dependencies, and possessions of the United States (New).

ACT OF OCTOBER 16, 1941
721. Requisition of military materials for United States; compensation (New).
722. Return of property to original owner (New).
723. Reports to Congress by President (New).
724. Administration of Act (New).

ACT OF DECEMBER 13, 1941

- Sec.
 731. Suspension of territorial ban on use of Army (New).
 732. Extension of periods of service, training, etc., of all members of the Army (New).
 733. Amendment of section 2 of Title 10 (New).

ACT OF JULY 2, 1940

§ 702. Application of section 99 to territories, dependencies, and possessions of the United States.

The provisions of section 701 of this title, shall be applicable to all territories, dependencies, and possessions of the United States, including the Philippine Islands, the Canal Zone, and the District of Columbia, and the several courts of first instance of the Commonwealth of the Philippine Islands shall have jurisdiction of offenses committed in the Philippine Islands in violation of the provisions of that section or of any proclamation, or of any rule or regulation, issued thereunder. (May 28, 1941, ch. 134, 55 Stat. 206.)

ACT OF OCTOBER 10, 1940

ACT OCT. 10, 1940, CH. 836, 54 STAT. 1090

§ 711. Requisition for United States of export military materials.

EX. ORD. NO. 8567. ADMINISTRATION OF ACT OCT. 10, 1940, CONCERNING REQUISITIONING OF MILITARY MATERIALS

EX. ORD. NO. 8567, OCT. 15, 1940, 5 FED. REG. 4121, provided:

Under and by virtue of the authority vested in me by the act of Congress entitled "AN ACT To authorize the President to requisition certain articles and materials for the use of the United States, and for other purposes," approved October 10, 1940, and as President of the United States, it is hereby ordered as follows:

(1) The Secretary of War and the Secretary of the Navy, acting jointly through the Army and Navy Munitions Board, shall make determination as to the necessity of requisitioning and taking over in the interest of national defense for the use or operation by the United States or in its interest any military or naval equipment or munitions, or component parts thereof, or machinery, tools, or materials, or supplies necessary for the manufacture, servicing, or operation thereof, within the purview of the said act of October 10, 1940

(2) The provisions of the said act of October 10, 1940, relating to the sale or other disposition of any articles or materials requisitioned and taken over pursuant to the said act and to the determination whether the sale or disposition of any such articles or materials is in the public interest shall be administered by the Secretary of War and the Secretary of the Navy acting jointly through the Army and Navy Munitions Board.

(3) The provisions of the said act of October 10, 1940, other than those mentioned in paragraphs (1) and (2) hereof shall be administered by the Administrator of Export Control under regulations to be prescribed from time to time by the President in the interest of national defense.

ACT OF OCTOBER 16, 1941

ACT OCT. 16, 1941, CH. 445, 55 STAT. 742

§ 721. Requisition of military materials for United States; compensation.

Whenever the President, during the national emergency declared by the President on May 27, 1941, but not later than June 30, 1943, determines that

(1) the use of any military or naval equipment, supplies, or munitions, or component parts thereof, or machinery, tools, or materials necessary for the man-

ufacture, servicing, or operation of such equipment, supplies, or munitions is needed for the defense of the United States; (2) such need is immediate and impending and such as will not admit of delay or resort to any other source of supply; and (3) all other means of obtaining the use of such property for the defense of the United States upon fair and reasonable terms have been exhausted, he is authorized to requisition such property for the defense of the United States upon the payment of fair and just compensation for such property to be determined as hereinafter provided, and to dispose of such property in such manner as he may determine is necessary for the defense of the United States. The President shall determine the amount of the fair and just compensation to be paid for any property requisitioned and taken over pursuant to this Act and the fair value of any property returned under section 2 of this Act (section 722 of this appendix), but each such determination shall be made on the basis of the fair market value of the property at the time it is requisitioned or returned, as the case may be. If, upon any such requisition of property, the person entitled to receive the amount so determined by the President as the fair and just compensation for the property is unwilling to accept the same as full and complete compensation for such property he shall be paid 50 per centum of such amount and shall be entitled to sue the United States in the Court of Claims or in any district court of the United States in the manner provided by sections 24 (20) and 145 of the Judicial Code (U. S. C., 1934 ed., title 28, secs. 41 (20) and 250) for an additional amount which, when added to the amount so paid to him, he considers to be fair and just compensation for such property. Such courts shall also have power to determine in an appropriate proceeding any questions that may arise with respect to the amount of the fair value to be paid upon the return of any property under section 2 of this Act (section 722 of this appendix), regardless of the amount in controversy in any such proceeding.

Nothing contained in this Act shall be construed—

(1) to authorize the requisitioning or require the registration of any firearms possessed by any individual for his personal protection or sport (and the possession of which is not prohibited or the registration of which is not required by existing law),

(2) to impair or infringe in any manner the right of any individual to keep and bear arms, or

(3) to authorize the requisitioning of any machinery or equipment which is in actual use in connection with any operating factory or business and which is necessary to the operation of such factory or business. (Oct. 16, 1941, ch. 445, § 1, 55 Stat. 742.)

§ 722. Return of property to original owner.

Wherever the President determines that property acquired under this Act and retained is no longer needed for the defense of the United States, he shall, if the original owner desires the property and pays the fair value thereof, return such property to the owner; but, in any event, property so acquired and retained shall, if the owner desires the property and pays the fair value thereof, be returned to the owner

not later than December 31, 1943. (Oct. 16, 1941, ch. 445, § 2, 55 Stat. 742.)

§ 723. Reports to Congress by President.

The President from time to time, but not less frequently than once every six months, shall transmit to the Congress a report of operations under this Act. (Oct. 16, 1941, ch. 445, § 3, 55 Stat. 743.)

§ 724. Administration of Act.

The President may issue such rules and regulations and require such information as may be necessary and proper to carry out the provisions of this Act, and he may exercise any power or authority conferred on him by this Act through such department, agency, board, or officer as he shall direct or appoint. (Oct. 16, 1941, ch. 445, § 4, 55 Stat. 743.)

ACT OF DECEMBER 13, 1941

ACT DEC. 13, 1941, CH. 571, 55 STAT. 799

§ 731. Suspension of territorial ban on use of Army.

The provisions of Public Resolution Numbered 96, Seventy-sixth Congress, approved August 27, 1940, as amended, and of Public, Numbered 783, Seventy-sixth Congress (the Selective Training and Service Act of 1940), as amended (sections 401-405 and 301-318 of this Appendix), insofar as they restrict the territorial use of units and members of the Army of the United States, are suspended during the existence of any war in which the United States is engaged,

and during the six months immediately following the termination of any such war. (Dec. 13, 1941, ch. 571, § 1, 55 Stat. 799.)

§ 732. Extension of periods of service, training, etc., of all members of the Army.

The periods of service, training and service, enlistment, appointment, or commission, of all members of the Army of the United States now or hereafter in or subject to active military service of the United States are extended for the period stated in the preceding section (section 731 of this Appendix): *Provided*, That nothing in this section shall be construed to prevent the President from terminating such periods of service, training and service, enlistment, appointment, or commission at an earlier date in any case. (Dec. 13, 1941, ch. 571, § 2, 55 Stat. 800.)

§ 733. Amendment of section 2 of Title 10.

Section 1 of the National Defense Act of June 3, 1916, as amended (section 2 of Title 10), is amended by striking out the period at the end thereof and inserting in lieu of such period a comma and the following: "and shall include persons inducted into the land forces of the United States under Public, Numbered 783, Seventy-sixth Congress (the Selective Training and Service Act of 1940), as amended (sections 301-318 of Appendix to Title 50)" (Dec. 13, 1941, ch. 571, § 3, 55 Stat. 800.)

Table L.—STATUTES INCLUDED

a. Revised Statutes

THIS TABLE, SUPPLEMENTING 1940 CODE, SHOWS WHERE SECTIONS OF THE REVISED STATUTES OF 1873 WILL BE FOUND IN U. S. C.

R. S.	U. S. C.	
Sec.	Title	Sec.
251	19	66

b. Statutes at Large

THIS TABLE, SUPPLEMENTING 1940 CODE, SHOWS WHERE ACTS OF CONGRESS TO JANUARY 2, 1942, WILL BE FOUND IN U. S. C.

Statutes at Large					U. S. Code		
Date	Chapter	Section	Volume	Page	Title	Section	
1910							
June 25.....	384	1	-----	-----	38	17	
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Do.....	637	-----	55	872	48	1405s	Do.....	644	3	55	879	48	475
Do.....	638	1	55	872	7	1183	Do.....	644	4	55	879	48	476
Do.....	638	2	55	872	7	1131	Do.....	644	5	55	880	48	477
Do.....	638	3	55	873	7	1134	Do.....	644	6	55	880	48	478
Do.....	638	4 (a)	55	873	7	1137	Do.....	644	7	55	880	48	479
Do.....	638	4 (b)	55	873	7	1131 note	1942						
Do.....	638	5	55	873	26	3508	Jan. 2.....	646	-----	55	881	48	518a

Table II.—EXECUTIVE ACTS INCLUDED

a. Executive Orders

THIS TABLE, SUPPLEMENTING 1940 CODE, SHOWS THE DISPOSITION OF EXECUTIVE ORDERS IN U. S. C.

Date	No.	Title	Sec.	Date	No.	Title	Sec.	Date	No.	Title	Sec.
1941				1941—Con.				1941—Con.			
Jan. 14.....	8639	19	2 note	June 14.....	8785	12	95 note	Aug. 23.....	8869	16	Prec. 1101
Jan. 29.....	8654	19	2 note	July 5.....	8815	19	2	Aug. 29.....	8876	5	26a
Mar. 4.....	8701	12	95 note	Do.....	8816	5	26a	Sept. 3.....	8885	19	2 note
Mar. 13.....	8711	12	95 note	July 26.....	8832	12	95 note	Nov. 1.....	8929	14	1
Mar. 24.....	8721	12	95 note	Aug. 8.....	8843	150	5	Dec. 10.....	8961	47	606 note
Apr. 28.....	8746	12	95 note	Aug. 9.....	8815	19	2 note	Dec. 27.....	9001	150	611

¹ Appendix.

b. Proclamations

THIS TABLE, SUPPLEMENTING 1940 CODE, SHOWS WHERE VARIOUS PROCLAMATIONS OF THE PRESIDENT WILL BE FOUND IN U. S. C.

Date	No.	Title	Sec.	Date	No.	Title	Sec.	Date	No.	Title	Sec.
1940				1941—Con.				1941—Con.			
Oct. 16.....	2425	150	302 note	Apr. 10.....	2473	150	Prec. § 1 note	May 27.....	2487	50	Prec. § 1 note
Oct. 26.....	2430	150	302 note	Apr. 15.....	2477	150	Prec. § 1 note	Aug. 23.....	2505	15	Prec. § 715 note
Nov. 20.....	2431	150	302 note	Apr. 24.....	2479	150	Prec. § 1 note	Sept. 3.....	2508	15	Prec. § 715 note
1941				May 26.....	2486	150	302 note	Oct. 1.....	2517	15	Prec. § 715 note
Jan. 22.....	2442	150	302 note								

¹ Appendix.

c. Reorganization Plans

THIS TABLE, SUPPLEMENTING 1940 CODE, SHOWS WHERE THE 5 REORGANIZATION PLANS PROMULGATED BY THE PRESIDENT IN 1939 AND 1940 WILL BE FOUND IN U. S. C.

Plan No. I—Statutes at Large			U. S. C.		Plan No. III—Statutes at Large			U. S. C.	
Sec.	Vol	Page	Title	Section	Sec.	Vol.	Page	Title	Section
201.....	53	1424	42	Ch. 10, prec. 1601	5	54	1232	7	1293

Table VII.—STATUTES REPEALED

a. Revised Statutes

Statutes repealed	U. S. C.		Repealed by act of—				
	Title	Section	Date	Chapter	Section	Volume	Page
512-515.....	41	1-4	1941, Oct. 21.....	452	-----	55	743
3744-3747.....	41	16-19	1941, Oct. 21.....	452	-----	55	743

b. Statutes at Large

Statutes repealed					U. S. C.		Repealed by act of—				
Date	Chapter	Section	Volume	Page	Title	Section	Date	Chapter	Section	Volume	Page
1894, May 5.....	24	-----	28	582	31	542	1941, July 11.....	290	4	55	585
1916, Aug. 29.....	417	-----	39	600	14	4	do.....	290	6 (b)	55	585
1917, June 15.....	29	1	40	198	41	16	1941, Oct. 21.....	452	-----	55	743
1923, Jan. 3.....	22	-----	42	1102	42	109	1923, May 29.....	901	(24)	45	986, 988
1929, Feb. 4.....	146	1, 3	45	1147	41	4a	do.....	452	-----	55	743
Do.....	146	1	45	1147	41	16	do.....	452	-----	55	743
1936, June 29.....	858	1006	-----	-----	46	1256	1941, June 23.....	228	-----	55	259
Do.....	858	1008	-----	-----	46	1258	do.....	228	-----	55	259
Do.....	858	1009	-----	-----	46	1259	do.....	228	-----	55	259
1938, June 23.....	600	45	52	967	46	1256, 1258, 1259	do.....	228	-----	55	259
1939, Feb. 10.....	2	1700	53	189	26	1700	1941, Sept. 20.....	412	542 (d)	55	711
Do.....	2	2907	53	344	26	2907	1941, July 22.....	314	3	55	602
1939, June 23.....	213	1-8	53	854, 855	14	251-258	1941, Feb. 19.....	8	1	55	9
Do.....	213	9	-----	-----	14	259	do.....	8	1	55	9
1939, June 29.....	217	1	53	862	26	3403 (f)	1941, Sept. 29.....	412	544 (d)	55	712
1939, Nov. 4.....	2	2	54	4	22	412	1941, Nov. 17.....	473	1	55	-----
Do.....	2	3	54	7	22	443	do.....	473	1	55	-----
Do.....	2	6	54	7	22	446	do.....	473	2	55	-----
1940, Apr. 18.....	107	1	54	137	41	6ee	1940, Oct. 10.....	851	4	54	1111
1940, June 6.....	257	8, 9	54	248	14	254, 259	1941, Feb. 19.....	8	1	55	9
1940, June 25.....	419	202	54	520	28	143 (h)	1941, Sept. 29.....	412	107 (b)	55	695
Do.....	419	205	54	521	26	1200 (c)	do.....	412	301 (b)	55	703
Do.....	419	206	54	521	26	951	do.....	412	401 (b)	55	705
Do.....	419	207	54	521	26	1001 (d)	do.....	412	402 (c)	55	706
Do.....	419	209	54	522	26	3481 (b)	do.....	412	504	55	706
Do.....	419	209	54	522	26	3452	do.....	412	501	55	706
Do.....	419	209	54	522	26	3403 (f)	do.....	412	544 (d)	55	712
1940, Oct. 8.....	757	201	54	976	26	711	do.....	412	202 (c) (2)	55	701
1941, June 28.....	259	1	55	350	16	18e	do.....	412	541 (c)	55	710

Table IX.—STATUTES ELIMINATED

b. Statutes at Large

THIS TABLE SHOWS STATUTES AT LARGE SECTIONS APPEARING IN EARLIER EDITIONS OF UNITED STATES CODES WHICH HAVE BEEN ELIMINATED BECAUSE OBSOLETE, EXECUTED, SUPERSEDED, ETC.

Date	Chapter	Section	Volume	Page	Title	Section
1930						
June 23.....	712	1	46	829	10	145a

TABLE OF ACTS CITED BY POPULAR NAME

- Agricultural Adjustment Act of 1938**
 May 26, 1941, ch. 133, 55 Stat. 203 (Title 7, §§ 1330, 1340)
 Dec. 26, 1941, ch. 636, 55 Stat. 872 (Title 7, §§ 1330 (12), 1340 (12))
- Aircraft Prize Act**
 June 24, 1941, ch. 232, 55 Stat. 261 (Title 32, §§ 1131, 1132)
- Alien Visa Act**
 June 20, 1941, ch. 209, 55 Stat. 252 (Title 22, §§ 228, 229)
- Andrews Draft Act Amendment**
 See Selective Training and Service Act of 1940
- Army Aviation Cadet Act**
 June 3, 1941, ch. 165, 55 Stat. 239 (Title 10, §§ 291, 291d, 296a, 297, 297a, 299, 300a, 303, 304, 304a, 304b, 308a)
 June 3, 1941, ch. 167, 55 Stat. 241 (Title 10, § 298a-1)
- Army Clothing-Equipage Act**
 Feb. 13, 1941, ch. 6, 55 Stat. 7
- Army Reorganization Acts**
 May 28, 1941, ch. 134, 55 Stat. 206 (Title 50 App., § 702)
 May 31, 1941, ch. 157, 55 Stat. 236 (Title 41, prec. § 1 note)
 July 29, 1941, ch. 326, 55 Stat. 606 (Title 10, § 571 note)
- Army Vitalization Act**
 See Army Reorganization Acts
- Aviation Pilots Act**
 Nov. 5, 1941, ch. 468, 55 Stat. 759 (Title 34, §§ 841a-841g)
- Bituminous Coal Act of 1937**
 Apr. 11, 1941, ch. 64, §§ 1 (a), 2, 55 Stat. 134 (Title 5, § 133t note; Title 15, §§ 829 note, 849, 852; Title 26, § 3527)
- Bland Merchant Marine Emergency Act**
 May 2, 1941, ch. 84, 55 Stat. 148 (Title 22, § 420; Title 46, §§ 1152, 1195, prec. § 1211, prec. § 1251 notes)
- Bland Ship Requisitioning Act**
 See Ship Seizure Bill
- Civil Activities National Defense Appropriation Act, 1941**
 Apr. 5, 1941, ch. 41, § 1, title III, 55 Stat. 129
- Civil Service Retirement Acts**
 May 29, 1930, ch. 349, 46 Stat. 468-479 (Title 5, §§ 691, 693, 698, 706, 707, 709, 710, 711-715, 716 to 719-1, 720-725, 727-731, 733, 735, 736, 736b, 736c)
- Coast Guard Auxiliary and Reserve Act of 1941**
 July 11, 1941, ch. 290, 55 Stat. 584 (Title 14, §§ 1, 35 (a), (b), (c), (d), 45, 48, 268, 302, 305, 306, 310; Title 33, §§ 721, 732; Title 39, §§ 134, 135; Title 40, § 207a-d notes; Title 41, prec. § 1 note)
- Coast Guard Cutter Act**
 July 15, 1941, ch. 302, 55 Stat. 597 (Title 14, prec. § 51 note)
- Corn and Wheat Marketing Quota Act of 1941**
 See Agricultural Adjustment Act of 1938
- Defense Aid Supplemental Appropriation Act, 1941**
 Mar. 27, 1941, ch. 30, 55 Stat. 53
- Defense Aid Supplemental Appropriation Act, 1942**
 Oct. 28, 1941, ch. 460, title I, 55 Stat. 745 (Title 22, §§ 421, 422)
- Defense Amortization Act**
 See Internal Revenue Code
- Defense Contract Bond Act**
 Apr. 29, 1941, ch. 81, 55 Stat. 147 (Title 40, § 270e)
- Defense Entry and Departure Act**
 June 21, 1941, ch. 210, 55 Stat. 252 (Title 22, §§ 223, 225, 226, 226a, 226b)
- Defense Highway Act of 1941**
 Nov. 19, 1941, ch. 474, 55 Stat. 765 (Title 23, §§ 101 and note, 102-117)
- Defense Housing Appropriation Act**
 Apr. 29, 1941, ch. 80, 55 Stat. 147 (Title 42, §§ 1521, 1523)
 June 28, 1941, ch. 260, 55 Stat. 361 (Title 42, prec. § 1521, §§ 1521, 1523, 1531-1534, 1541, 1542-1551)
- Defense Housing Insurance Act**
 See National Housing Act
- Defense Public Works Act**
 See Defense Housing Appropriation Act
- Department of Agriculture Appropriation Act, 1942**
 July 1, 1941, ch. 267, 55 Stat. 408 (Title 5, §§ 520a, 543b, 547, 558a, 565; Title 7, §§ 204, 228a, 231, 367, 411b, 414, 415e, 419, 428, 612c note, 1007a; Title 12, § 1020n-1; Title 15, §§ 609l, 609m, 609n; Title 16, §§ 501a, 571a, 578a, 579, 580, 590h note, 590i-1; Title 21, § 129)
 Dec. 22, 1941, ch. 611, 55 Stat. 350 (Title 16, § 590h note)
- Department of Commerce Appropriation Act, 1942**
 June 28, 1941, ch. 258, title II, 55 Stat. 277 (Title 5, § 593; Title 15, §§ 319, 322; Title 33, § 851; Title 35, § 16; Title 41, § 6; Title 49, § 422a)

- Department of Justice Appropriation Act, 1942
June 28, 1941, ch. 258, title III, 55 Stat. 289
(Title 5, §§ 299, 300, 301; Title 28, §§ 584a, 596; Title 41, § 6)
- Department of Labor Appropriation Act, 1942
July 1, 1941, ch. 269, title I, 55 Stat. 466 (Title 42, § 704a)
- Department of State Appropriation Act, 1942
June 28, 1941, ch. 258, title I, 55 Stat. 265
(Title 5, §§ 153a, 274; Title 10, § 541; Title 22, §§ 130a, 130b, 136, 275 note, 276 note, 278b; Title 34, §§ 448a, 448b; Title 41, § 6a note; Title 49, § 231)
- District of Columbia Appropriation Act, 1942
July 1, 1941, ch. 271, 55 Stat. 499 (Title 5, § 76; Title 10, § 914; Title 34, § 1000; Title 40, § 60a)
- District of Columbia Blackout Act
Dec. 26, 1941, ch. 625, 55 Stat. 858
- Draft Act of 1942
See National Service Life Insurance Act of 1940 and Selective Training and Service Act of 1940
- Emergency Cargo-Ship Construction Act
Feb. 6, 1941, ch. 5, 55 Stat. 5 (Title 46, §§ 1119a, 1119b, 1125a, 1214)
- Emergency Copyright Act of 1941
Sept. 25, 1941, ch. 421, 55 Stat. 732 (Title 17, § 8)
- Emergency Relief Appropriation Act, fiscal year 1941
July 1, 1941, ch. 266, § 10 (a), 55 Stat. 401 (Title 15, §§ 721-723 note)
- Emergency Relief Appropriation Act, fiscal year 1942
July 1, 1942, ch. 266, 55 Stat. 396 (Title 7, § 612c; Title 15, §§ 721-723 note)
- Employees' Compensation Commission Appropriation Act, 1942
July 1, 1941, ch. 269, title III, 55 Stat. 494.
- Employees' Liability Act
Aug. 11, 1939, ch. 685, 53 Stat. 1404 (Title 45, §§ 51, 54, 56, 60)
- Export Control Extension Act
See Army Reorganization Acts
- Fair Labor Standards Act, 1938
Oct. 29, 1941, ch. 461, 55 Stat. 756 (Title 29, § 207 (b) (2))
- Federal Reserve Act
June 30, 1941, ch. 264, 55 Stat. 395 (Title 12, § 412)
- Federal Security Agency Appropriation Act, 1942
July 1, 1941, ch. 269, title II, 55 Stat. 471 (Title 8, § 117; Title 15, §§ 721-723 note; Title 16, §§ 584f-1, 584n-1; Title 21, § 46a; Title 24, § 169; Title 42, §§ 64c, 68)
- Fifth Supplemental National Defense Appropriation Act, 1941
Apr. 5, 1941, ch. 41, 55 Stat. 123
- First Supplemental National Defense Appropriation Act, 1942
Aug. 25, 1941, ch. 409, 55 Stat. 669 (Title 5, §§ 219a, 470, 471; Title 16 § 584f-1; Title 46, § 119a note)
- First War Powers Act of 1941
Dec. 18, 1941, ch. 593, 55 Stat. 838 (Title 12, § 95a; Title 50 App. prec. § 601, §§ 601-605, prec. § 611, § 611, prec. § 616, §§ 616-618, prec. § 621, §§ 621, 622)
- Flood Control Act of 1936
Aug. 18, 1941, ch. 377, § 3, 55 Stat. 639 (Title 10, § 1026b; Title 33, § 702a-12)
- Food, Drug, and Cosmetic Act
Dec. 22, 1941, ch. 613, 55 Stat. 851 (Title 21, §§ 331 (i), 352 (k), 356 and note)
- Foreign Accounts Bank Act
See Federal Reserve Act
- Glass Reserve Note Act
See Federal Reserve Act
- Gold Reserve Act of 1934
June 30, 1941, ch. 265, 55 Stat. 395 (Title 31, §§ 821 (b) (2), 822a (c))
- Inter-American Coffee Agreement Act
Apr. 11, 1941, ch. 59, 55 Stat. 133 (Title 19, § 1355 and note, 1356)
- Interior Department Appropriation Act, 1942
June 28, 1941, ch. 259, 55 Stat. 303 (Title 5, §§ 73c-2, 499; Title 16, §§ 14c, 18e, 590i-2, 752-754, 781i; Title 22, § 277f; Title 25, §§ 303, 387, 470a, 481, 561, 562; Title 41, § 6a; Title 43, §§ 8, 46, 90, 611; Title 48, § 1237a)
- Internal Revenue Code
Jan. 31, 1941, ch. 3, 55 Stat. 4 (Title 26, §§ 124 note, 124 (f) (1), (3), 124 (i))
Oct. 30, 1941, ch. 464, 55 Stat. 757 (Title 26, § 124 (f) (1) (3), (i), 124 note)
- Judiciary Appropriation Act, 1942
June 28, 1941, ch. 258, title IV, 55 Stat. 298 (Title 18, §§ 726-1, 726a; Title 28, §§ 5b, 374b, 530; Title 41, § 6)
- Labor-Federal Security Appropriation Act, 1942
July 1, 1941, ch. 269, 55 Stat. 466 (Title 8, § 117; Title 15, §§ 721-723 note; Title 16, §§ 584f-1, 584n-1; Title 21, § 46a; Title 24, § 169; Title 42, §§ 64c, 68, 704a)
- Legislative Branch Appropriation Act, 1942
July 1, 1941, ch. 268, 55 Stat. 446 (Title 2, §§ 42a, 46a, 60a, 60f, 117a; Title 40, §§ 164a, 174b, 206, 213a; Title 44, § 120)
- Maritime Labor Board Act
See Merchant Marine Act
- Marketing Quotas Act
See Agricultural Adjustment Act of 1938
- Merchant Marine Act, 1936
June 23, 1941, ch. 228, §§ 1-3, 55 Stat. 259 (Title 46, §§ 1254, 1262)
- Merchant Ship Priorities Act
July 14, 1941, ch. 297, 55 Stat. 591 (Title 46, prec. § 1101 note)
- Midshipmen Increase Act
Jan. 30, 1941, ch. 2, § 2, 3, 55 Stat. 3 (Title 34, §§ 855f, 1032, 1032a)

- Military Appropriation Act, 1941, Title VI**
Apr. 5, 1941, ch. 41, § 1, title I, 55 Stat. 123
- Military Appropriation Act, 1942**
June 30, 1941, 6:20 p. m., E. S. T., ch. 262, 55 Stat. 366 (Title 10, §§ 187, 310 note, 535, 727, 918, 1161a, 1431, 1460; Title 31, §§ 223, 224, 493a, 650a; Title 32, §§ 42, 44, 47-1, 51; Title 38, § 461; Title 40, § 269a; Title 41, prec. § 1, note)
Aug. 25, 1941, ch. 409, title I, 55 Stat. 669
Dec. 17, 1941, ch. 591, title I, 55 Stat. 810 (Title 5, § 222; Title 22, § 412 note)
- Monroe Doctrine Act**
Apr. 10, 1941, ch. 49, 55 Stat. 133 (Title 22, § 504, 504 note)
- Mosquito Craft Base Act**
June 24, 1941, ch. 234, 55 Stat. 262
- National Archives Trust Fund Board Act**
July 9, 1941, ch. 284, 55 Stat. 581 (Title 44, §§ 300aa, 300bb, 300cc, 300dd, 300ee, 300ff, 300gg, 300hh, 300ii, 300jj)
- National Cattle Theft Act**
Aug. 18, 1941, ch. 366, 55 Stat. 631 (Title 18, §§ 419a-419d)
- National Defense Act of June 3, 1916**
Aug. 18, 1941, ch. 363, 55 Stat. 628 (Title 32, § 194)
- National Defense Emergency Appropriation Act**
Dec. 23, 1941, ch. 621, 55 Stat. 855 (Title 16, § 584n note; Title 42, § 1523 note)
- National Defense Housing Act**
Oct. 14, 1940, ch. 862, 54 Stat. 1125 (Title 42, §§ 1521-1551)
Apr. 29, 1941, ch. 80, 55 Stat. 147 (Title 42, §§ 1521, 1523)
June 28, 1941, ch. 260, 55 Stat. 361 (Title 42, §§ 1521, 1523, 1531-1534, 1541-1551)
- National Defense Patents Act**
Aug. 21, 1941, ch. 393, 55 Stat. 657 (Title 35, §§ 42a, 42b, 42c, 42d, 42e, 42f)
- National Defense Ship Radio Act**
Dec. 17, 1941, ch. 588, 55 Stat. 808 (Title 47, § 353 note)
- National Housing Act**
June 28, 1941, ch. 261, 55 Stat. 364 (Title 12, §§ 1702, 1703 (a)-1703 (c), 1703 (f), 1706b, 1709 (a), 1710 (a), 1731 (d))
Sept. 2, 1941, ch. 410, 55 Stat. 686 (Title 12, § 1738 (a))
- National Labor Relations Board Appropriation Act, 1942**
July 1, 1941, ch. 269, title IV, 55 Stat. 495
- National Mediation Board Appropriation Act, 1942**
July 1, 1941, ch. 269, title V, 55 Stat. 495
- National Service Life Insurance Act of 1940**
Dec. 20, 1941, ch. 602, § 10, 55 Stat. 844 (Title 38, § 802 (d))
- National Youth Administration Appropriation Act, 1942**
July 1, 1941, ch. 269, title II, 55 Stat. 471 (Title 15, §§ 721-728 note)
- Nationality Act of 1941**
Oct. 16, 1941, ch. 446, 55 Stat. 743 (Title 8, § 809)
- Naval Academy Act**
June 3, 1941, ch. 162, 55 Stat. 238 (Title 34, § 1054 note)
- Naval Air Station Act**
Aug. 16, 1941, ch. 359, 55 Stat. 624
- Naval Appropriation Act for the fiscal year 1941, Title VII**
Apr. 5, 1941, ch. 41, § 1, title II, 55 Stat. 128
- Naval Appropriation Act for the fiscal year 1941, Title VIII**
July 3, 1941, ch. 273, title I, 55 Stat. 541
- Naval Appropriation Act, 1942, Title II**
July 3, 1941, ch. 273, title I, 55 Stat. 541
- Naval Appropriation Act for the fiscal year 1942, Title III**
Aug. 25, 1941, ch. 409, title II, 55 Stat. 670
- Naval Appropriation Act, 1942, Title IV**
Oct. 28, 1941, ch. 460, title II, 55 Stat. 747
- Naval Appropriation Act for the fiscal year 1942, Title V**
Dec. 17, 1941, ch. 591, title II, 55 Stat. 816 (Title 34, §§ 498c-4, 498c-5, 498c-5 note)
- Naval Auxiliary Vessel Act**
May 24, 1941, ch. 131, 55 Stat. 197 (Title 34, § 498c-4)
- Naval Expansion Acts**
Dec. 23, 1941, ch. 619, 55 Stat. 853 (Title 34, §§ 498-3, 498a-3)
- Naval Facilities Act**
July 29, 1941, ch. 328, 55 Stat. 608
- Naval Plant-Protection Force Act**
Aug. 11, 1941, ch. 352, 55 Stat. 616
- Naval Reserve Act of 1938**
Jan. 30, 1941, ch. 2, § 2, 3, 55 Stat. 3 (Title 34, §§ 855f, 1032, 1032a)
- Naval Ship Alteration Act**
Jan. 29, 1941, ch. 1, 55 Stat. 3 (Title 34, § 487)
- Naval Special Duty Act**
July 17, 1941, ch. 304, 55 Stat. 593 (Title 34, § 212a)
- Navy Enlisted Strength Act**
Apr. 22, 1941, ch. 74, 55 Stat. 145 (Title 34, §§ 2, 151, 152, 691)
- Navy Enlistment Acts**
Aug. 18, 1941, ch. 364, 55 Stat. 629 (Title 14, § 35a; Title 34, §§ 181, 181a, 201a, 692, 692a; Title 37, § 16a)
Dec. 13, 1941, ch. 570, 55 Stat. 799 (Title 14, § 35c; Title 34, §§ 186, 201b)
- Navy Local Defense Ship Act**
Nov. 21, 1941, ch. 502, 55 Stat. 782 (Title 34, § 498c-5, 498c-5 note)

Navy Public Works Act

Mar. 23, 1941, 11 a. m., ch. 25, 55 Stat. 47
 Mar. 23, 1941, 12 noon, ch. 26, 55 Stat. 49 (Title 40, § 276a-7)
 July 14, 1941, ch. 298, 55 Stat. 592
 Aug. 21, 1941, ch. 395, 55 Stat. 658 (Title 40, § 276a-7; Title 41, prec. § 1 note)

Navy Shipbuilding Facilities Act

Jan. 31, 1941, ch. 4, 55 Stat. 5 (Title 34, § 498c-3 note)

Navy Warship Construction Act

See Naval Expansion Acts

Neutrality Acts

Nov. 17, 1941, 4:30 p. m., E. S. T., ch. 473, 55 Stat. 764 (Title 22, § 446 note)

Office of Government Reports Act

June 9, 1941, ch. 189, 55 Stat. 247 (Title 3, § 34)

Pan-American Naval Academy Act

July 14, 1941, ch. 292, 55 Stat. 589 (Title 34, § 1036-1)

Parity Act

See Soil Conservation and Domestic Allotment Act

Petroleum Pipe Line Act

July 30, 1941, ch. 333, 55 Stat. 610 (Title 15, prec. § 715 note)

Post Office Department Appropriation Act, 1942

May 31, 1941, ch. 156, title II, § 1, 55 Stat. 227 (Title 39, §§ 9, 137, 805, 809a; Title 40, § 284)

Property Requisitioning Act

Oct. 16, 1941, ch. 445, 55 Stat. 742 (Title 50 App., §§ 721-724)

Railroad Retirement Board Appropriation Act, 1942

July 1, 1941, ch. 269, title VI, 55 Stat. 496

Reconstruction Finance Corporation Act

June 10, 1941, ch. 190, 55 Stat. 248 (Title 15, §§ 605k-1, 606b, 609o, 610, 710-712 notes)

Removal of Restrictions on Service Act

Dec. 13, 1941, ch. 571, 55 Stat. 799 (Title 10, § 2; Title 50 App., §§ 731, 732, 733)

Revenue Act of 1941

Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, 55 Stat. 687 (Title 16, §§ 18e, 407d; Title 26, §§ 4, 11, 12, 13, 14, 15, 23, 25, 42, 51, 55, 102, 104, 117, 142, 143, 144, 147, 211, 214, 231, 251, 261, 262, 362, 363, 373, prec. § 400, 400-404, 500, 600, 602, 710, 711, 714, 718, 722, 731 note, 935, prec. § 951, 951, 1001, 1200, 1202, 1203, 1250, 1650, 1700, 1701, 1710, 1712, 1715, 1716, 1800, 1801, 1802, 1804, 1806, 1807, 1850, 2000, 2004, prec. § 2400, 2400-2411, 2483, 2700, 2800, 2887, 3030, 3150, 3190, 3192, 3250, prec. § 3267, 3267, prec. § 3268, 3268, 3400 3401, 3403, 3404, 3405, 3406, 3407, 3409, 3411, 3412, 3413, 3440, 3441, 3442, 3443, 3444, 3452, 3453, 3460, 3465, 3466, prec. § 3469, 3469, prec. § 3470, 3471, 3472, 3481, 3482, prec. § 3540, 3540)

Reynolds Aviation Training Act

See Army Aviation Cadet Act

R. F. C. Lending Authority Act

Oct. 23, 1941, ch. 454, 55 Stat. 744 (Title 15, § 609p)

Rivers and Harbors Act

Aug. 18, 1941, ch. 377, 55 Stat. 638 (Title 10, § 1026b; Title 33, §§ 701b, 701b-2, 701c note, 701c-2, 701c-3, 701f note, 701f-1 note, 701g, 701j note, 701m, 701n, 702a-1¾, 702a-12)

Second Deficiency Appropriation Act, 1941

July 3, 1941, ch. 273, 55 Stat. 541

Second Supplemental National Defense Appropriation Act, 1942

Oct. 28, 1941, ch. 460, 55 Stat. 745 (Title 2, § 60a note; Title 10, § 576a; Title 22, §§ 421, 422)

Selective Training and Service Act of 1940

May 29, 1941, ch. 155, 55 Stat. 211 (Title 50 App., § 305 (b))

Dec. 20, 1941, ch. 602, §§ 1-9, 55 Stat. 844 (Title 50 App., §§ 302, 303 (a) and note, 304 (a), 305 (a), 305 (c) (1), 305 (e) (1), 305 (e) (2), 315 (a))

Service Extension Act of 1941

Aug. 18, 1941, ch. 362, 55 Stat. 626 (Title 50 App., §§ 303, 351-362, 401)

Sheppard Air Corps Cadet Act

See Army Aviation Cadet Act

Sheppard Parachute Troops Act

June 3, 1941, ch. 166, 55 Stat. 240 (Title 37, § 29b)

Ship Load Line Act

July 3, 1941, ch. 276, 55 Stat. 578 (Title 46, § 88a)

Ship Seizure Bill

June 6, 1941, 11 a. m., E. S. T., ch. 174, 55 Stat. 242 (Title 46, note prec. 1101)

Soil Conservation and Domestic Allotment Act

Dec. 26, 1941, ch. 626, 55 Stat. 860 (Title 7, §§ 1330 (10), 1340 (10); Title 16, § 590h (a))

Stabilization Fund-Dollar Devaluation Act

See Gold Reserve Act of 1934

Steagall Commodity Credit Act

July 1, 1941, ch. 270, 55 Stat. 498 (Title 15, §§ 713, 713a-1, 713a-4, 713a-8)

Strategic War Materials Act

May 28, 1941, ch. 135, 55 Stat. 206 (Title 50, § 98e)

Sugar Act of 1937

Dec. 26, 1941, ch. 638, 55 Stat. 872 (Title 7, §§ 1131 (a), 1134 (a), 1134 (c), 1137 and note, 1173, 1183; Title 26, § 3508)

Taylor T. V. A. Act

July 16, 1941, ch. 303, 55 Stat. 597

Temporary Appointment Acts

July 24, 1941, ch. 320, 55 Stat. 603 (Title 34, §§ 350-350j)
 Sept. 22, 1941, ch. 414, 55 Stat. 728 (Title 10, § 484 note)

Tennessee Valley Authority Act

July 18, 1941, ch. 309, 55 Stat. 599 (Title 16, § 831c)
 Nov. 21, 1941, ch. 485, 55 Stat. 775 (Title 16, § 831h)

Territorial Home Guard Act

See Army Reorganization Acts

Thanksgiving Day Act

Dec. 26, 1941, ch. 631, 55 Stat. 862 (Title 5, § 87b)

Third Supplemental National Defense Appropriation Act, 1942

Dec. 17, 1941, ch. 591, 55 Stat. 810 (Title 5, § 222; Title 22, § 412 note; Title 24, § 41 note; Title 31, § 529h; Title 34, §§ 498c-4, 498c-5 and note; Title 42, § 1523 note)

Treasury and Post Office Departments Appropriation Act, 1942

May 31, 1941, ch. 156, 55 Stat. 212 (Title 3, § 53; Title 7, §§ 610, 615-617, 641-643, 644-659, 701-723, 751-766, 801-833 notes; Title 14, § 134; Title 18, § 647; Title 31, § 761a; Title 39, §§ 9, 137, 805, 809a; Title 40, §§ 77a, 109a, 284, 313, 313a)

Treasury Department Appropriation Act, 1942

May 31, 1941, ch. 156, title I, § 1, 55 Stat. 212 (Title 3, § 53; Title 7, §§ 610, 615-617, 641-643, 644-659, 701-723, 751-766, 801-833 notes; Title 14, § 134; Title 18, § 647; Title 31, § 761a; Title 40, §§ 70a, 109a, 313, 313a)

United States Housing Act

Oct. 30, 1941, ch. 467, 55 Stat. 759 (Title 42, § 1420 (a))

Urgent Deficiency Appropriation Act, 1941

May 24, 1941, ch. 132, 55 Stat. 197 (Title 42, § 1523 note)

Vinson Priorities Act

See Army Reorganization Acts

Wage-Hours Act Amendment

Oct. 29, 1941, ch. 461, 55 Stat. 756 (Title 29, § 207 (b) (2))

War Declaration Against Germany

Dec. 11, 1941, 3:05 p. m., E. S. T., ch. 564, 55 Stat. 796 (Title 50 App., prec. § 1 note)

War Declaration Against Italy

Dec. 11, 1941, 3:06 p. m., E. S. T., ch. 565, 55 Stat. 797 (Title 50 App., prec. § 1 note)

War Declaration Against Japan

Dec. 8, 1941, 4:10 p. m., E. S. T., ch. 561, 55 Stat. 795 (Title 50 App., prec. § 1 note)

FEDERAL GOVERNMENT AGENCIES

Showing origin of Federal Agencies of current interest not created by general and permanent law.

Advisory Commission to Council of National Defense

Created pursuant to act Aug. 29, 1916, ch. 418, § 2, 39 Stat. 649. Decentralized by merging most of its divisions with other newly created national defense units.

Agricultural Conservation and Adjustment Administration

Created as wartime agency in Department of Agriculture by Ex. Ord. No. 9069, Feb. 23, 1942, 7 F.R. 1409, 50 U.S.C. App. § 601 note.

Agricultural Marketing Administration

Created as wartime agency in Department of Agriculture by Ex. Ord. No. 9069, Feb. 23, 1942, 7 F.R. 1409, 50 U.S.C. App. § 601 note.

Agricultural Marketing Service

Established by Memorandum No. 830 of Secretary of Agriculture, July 7, 1939, pursuant to Agricultural Appropriation Act of 1940. Agricultural Statistics Division transferred to Bureau of Agricultural Economics, and remainder of Service consolidated with other agencies into Agricultural Marketing Administration for duration of war and six months thereafter by Ex. Ord. No. 9069, Feb. 23, 1942, 7 F.R. 1409, 50 U.S.C. App. § 601 note.

Agricultural Research Administration

Created in Department of Agriculture by Ex. Ord. No. 9069, Feb. 23, 1942, 6 F.R. 1409, 50 U.S.C. App. § 601 note.

Army Specialist Corps

Established in War Department by Ex. Ord. No. 9078, Feb. 26, 1942, 7 F.R. 1607, and to continue six months after termination of present war.

Board for Civilian Protection

Created in Office of Civilian Defense by Ex. Ord. No. 8757, May 20, 1941, 6 F.R. 2517.

Board of Economic Operations

Created in Department of State by Departmental Order 973, Oct. 7, 1941.

Board of Economic Warfare

Created as Economic Defense Board by Ex. Ord. No. 8839, July 30, 1941, 6 F.R. 3823. Renamed by Ex. Ord. No. 8982, Dec. 17, 1941, 6 F.R. 6530. See also Office of Export Control, this list.

Bureau of Industry Advisory Committees

Created in Office of Production Management by Regulation No. 12, Jan. 14, 1942, 7 F.R. 580, superseding Regulation No. 7, June 24, 1941, 6 F.R. 3153 and Regulation No. 7-A, Nov. 4, 1941, 6 F.R. 5728.

Bureau of Research and Statistics

Created by Office of Production Management, Regulation No. 4, Mar. 7, 1941, 6 F.R. 1595.

Commodity Exchange Administration

Established in Department of Agriculture by Secretary's Memorandum No. 700, eff. July 1, 1936. Consolidated, for duration of war and six months thereafter, with other agencies into Agricultural Marketing Administration by Ex. Ord. No. 9069, Feb. 23, 1942, 7 F.R. 1409, 50 U.S.C. App. § 601 note.

Coordinator of Government Films

President's letter of Dec. 18, 1941, 7 F.R. 55, ordered Director of Office of Government Reports to act also as coordinator of Government Films for duration.

Coordinator of Information

Created by Presidential Order of July 11, 1941, 6 F.R. 3422.

Council of National Defense

Established by act Aug. 29, 1916, ch. 418, § 2, 39 Stat. 649.

Defense Communications Board

Created by Ex. Ord. No. 8546, Sept. 24, 1940, 5 F.R. 3817.

Defense Contract Service

See Division of Contract Distribution, this list.

Defense Homes Corporation

Incorporation announced Oct. 25, 1940, pursuant to 15 U.S.C. § 606b. Consolidated with other agencies into National Housing Agency during present War by Ex. Ord. No. 9070, Feb. 24, 1942, 7 F.R. 1529, 50 U.S.C. App. § 601 note. See also Ex. Ord. No. 9071, 7 F.R. 1531, transferring functions of Federal Loan Agency relating to said corporation to Department of Commerce.

Defense Labor Advisory Committees

Created in Office of Production Management by Regulation No. 8, July 8, 1941, 6 F.R. 3592, pursuant to Ex. Ord. No. 8629, Jan. 7, 1941, 6 F.R. 191.

Defense Plant Corporation

Created Aug. 22, 1940, pursuant to 15 U.S.C. § 606b.

Defense Resources Committee

Created by Administrative Order No. 1496, June 15, 1940.

Defense Savings Staff

Created by Treasury Order No. 39, Mar. 19, 1941.

Defense Supplies Corporation

Created Aug. 29, 1940, pursuant to 15 U.S.C. § 606b. Functions of Federal Loan Agency relating thereto were transferred to Department of Commerce during present War by Ex. Ord. No. 9071, Feb. 24, 1942, 7 F.R. 1531, 50 U.S.C. App. § 601 note.

Division of Contract Distribution

Created by Ex. Ord. No. 8891, Sept. 4, 1941, 6 F.R. 4624. Supplants Defense Contract Service, created in Office of Production Management by Regulation No. 9, July 29, 1941, 6 F.R. 3889, pursuant to Ex. Ord. No. 8629, 6 F.R. 191.

Division of Defense Aid Reports

See Office of Lend-Lease Administration, this list.

Division of Defense Housing Coordination

Created by Ex. Ord. No. 8632, Jan. 11, 1941, 6 F.R. 295. Consolidated with other agencies into National Housing Agency during present War by Ex. Ord. No. 9070, Feb. 24, 1942, 7 F.R. 1529, 50 U.S.C. App. § 601 note.

Division of Press Intelligence

Created in August, 1933, as unit of National Recovery Administration. Became a division of National Emergency Council, July 10, 1935. Now in office of Government Reports.

Economic Defense Board

See Board of Economic Warfare, this list.

Electric Home and Farm Authority

Incorporated Aug. 1, 1935. Designated a Government agency by Ex. Ord. No. 7139, Aug. 12, 1935.

Export-Import Bank of Washington

Created by Ex. Ord. No. 6581, Feb. 2, 1934.

Family Security Committee

Created within Office of Defense Health and Welfare Services, by Administrative Order, Feb. 12, 1941.

Farm Credit Administration

Created as Federal Farm Board by 12 U.S.C. § 1141a. Renamed by Ex. Ord. No. 6084, Mar. 27, 1933.

Farm Security Administration

Created as Resettlement Administration by Ex. Ord. No. 7027, Apr. 30, 1935. Renamed by Secretary's Memorandum No. 732, Sept. 1, 1937, 2 F.R. 1800.

Federal Bureau of Investigation

Established as the Bureau of Investigation of the Department of Justice pursuant to Attorney General's order of Mar. 16, 1909, superseding investigative functions of the Department referred to Chief Examiner by Attorney General's order of July 26, 1908. Redesignated United States Bureau of Investigation on July 1, 1932. Functions transferred to Division of Investigation by Ex. Ord. No. 6166, § 3, June 10, 1933. Redesignated Federal Bureau of Investigation in act Mar. 22, 1935, ch. 39, Title II, 49 Stat. 77.

Federal Home Loan Bank Administration

Created as unit of National Housing Agency by Ex. Ord. No. 9070, Feb. 24, 1942, 7 F.R. 1529, 50 U.S.C. App. § 601 note.

Federal Public Housing Authority

Created as unit of National Housing Agency by Ex. Ord. No. 9070, Feb. 24, 1942, 7 F.R. 1529, 50 U.S.C. App. § 601 note.

Food and Drug Administration

Designated in act Jan. 18, 1927, ch. 39, 44 Stat. 1002, as Food, Drug, and Insecticide Administration. Redesignated in act May 27, 1930, ch. 341, 46 Stat. 422.

Government Printing Office

Created pursuant to Res. June 23, 1860, No. 25, 12 Stat. 117.

Joint Mexican-United States Defense Commission

Established by Ex. Ord. No. 9080, Feb. 27, 1942, 7 F.R. 1607.

Metals Reserve Company

Created June 28, 1940, pursuant to 15 U.S.C. § 606b. Functions of Federal Loan Agency relating thereto were transferred to Department of Commerce during present War by Ex. Ord. No. 9071, Feb. 24, 1942, 7 F.R. 1531, 50 U.S.C. App. § 601 note.

National Defense Mediation Board

See National War Labor Board, this list.

National Defense Research Committee

Created by order of Council of National Defense, June 27, 1940, 5 F.R. 2446. Abolished by Council's order of June 28, 1941, 6 F.R. 3233.

National Housing Agency

Created by Ex. Ord. No. 9070, Feb. 24, 1942, 7 F.R. 1529, 50 U.S.C. App. § 601 note.

National Patent Planning Commission

Created by Ex. Ord. No. 8977, Dec. 12, 1941, 6 F.R. 6441.

National War Labor Board

Created by Ex. Ord. No. 9017, Jan. 12, 1942, 7 F.R. 237. Supplants National Defense Mediation Board, established by Ex. Ord. No. 8716, Mar. 19, 1941, 6 F.R. 1532.

National Youth Administration

Created within Works Progress Administration by Ex. Ord. No. 7086, June 26, 1935. Transferred to Federal Security Agency by Reorg. Plan No. I, §§ 201 and 206, eff. July 1, 1939, 5 U.S.C. § 133t note.

Office for Coordination of National Defense Purchases

Created by order of Council of National Defense, June 27, 1940. The activities of said Council were coordinated with Office of Emergency Management by Administrative Order, Jan. 7, 1941, 6 F.R. 6.

Office for Emergency Management

Created by Administrative Order, May 25, 1940, pursuant to Ex. Ord. No. 8248, Sept. 3, 1939, 4 F.R. 3864.

Office of Agricultural Defense Relations

Established in Department of Agriculture pursuant to President's letter of May 5, 1941. Succeeds Division of Agriculture, which was designated a unit of the Advisory Commission to the Council of National Defense by Council's regulation approved May 29, 1940, 5 F.R. 2114.

Office of Censorship

Created by Ex. Ord. No. 8985, Dec. 19, 1941, 6 F.R. 6625.

Office of Civilian Defense

Created in Office for Emergency Management by Ex. Ord. No. 8757, May 20, 1941, 6 F.R. 2517.

Office of Coordinator of Inter-American Affairs

Created in Office for Emergency Management by Ex. Ord. No. 8840, July 30, 1941, 6 F.R. 3857.

Office of Defense Health and Welfare Services

Established in Office for Emergency Management by Ex. Ord. No. 8890, Sept. 3, 1941, 6 F.R. 4625.

Office of Defense Transportation

Established in the Office for Emergency Management by Ex. Ord. No. 8989, Dec. 18, 1941, 6 F.R. 6725.

Office of Export Control

Formerly within Department of State. Functions transferred to Economic Defense Board by Ex. Ord. No. 8900, Sept. 15, 1941, 6 F.R. 4795.

Office of Facts and Figures

Created in Office for Emergency Management by Ex. Ord. No. 8922, Oct. 24, 1941, 6 F.R. 5477.

Office of Government Reports

Created by President's memorandum of July 1, 1939, in accordance with Reorg. Plan No. II, eff. July 1, 1939, 5 U.S.C. § 133t note. Functions further defined in Ex. Ord. No. 8248, Sept. 3, 1939, 6 F.R. 3864. Supplants certain functions of National Emergency Council, established pursuant to Ex. Ord. No. 6433-A, Nov. 17, 1933, and abolished by Reorg. Plan No. II, § 301, eff. July 1, 1939, 5 U.S.C. § 133t note.

Office of Lend-Lease Administration

Created in Office for Emergency Management by Ex. Ord. No. 8926, Oct. 28, 1941, 6 F.R. 5519. Supplants Division of Defense Aid Reports, created by Ex. Ord. No. 8751, May 2, 1941, 6 F.R. 2301, which was revoked by Ex. Ord. No. 8926.

Office of Merchant Ship Control

Created within Office of Operations, Coast Guard Headquarters, on June 28, 1940.

Office of Petroleum Coordinator for National Defense

Created pursuant to President's letter of May 28, 1941, 6 F.R. 2760.

Office of Price Administration

Created as Office of Price Administration and Civilian Supply by Ex. Ord. No. 8734, April 11, 1941, 6 F.R. 1917. Renamed by Ex. Ord. 8875, Aug. 28, 1941, 6 F.R. 4483.

Office of Price Administration and Civilian Supply

See Office of Price Administration, this list.

Office of Production Management

Created in Office for Emergency Management by Ex. Ord. No. 8629, Jan. 7, 1941, 6 F.R. 191. Abolished and functions and powers transferred to War Production Board by Ex. Ord. No. 9040, Jan. 24, 1942, 7 F.R. 527.

Office of Scientific Research and Development

Created in Office for Emergency Management by Ex. Ord. No. 8807, June 28, 1941, 6 F.R. 3207.

Permanent Joint Board on Defense

Created pursuant to joint announcement of the President and Canadian Prime Minister of Aug. 17, 1940.

Plant Site Board

Created in Office of Production Management by Regulation No. 6, May 6, 1941, 6 F.R. 2715.

Priorities Board

Created in Office of Production Management by Ex. Ord. No. 8629, § 5, Jan. 7, 1941, 6 F.R. 192. Abolished by Ex. Ord. No. 8875, § 10, Aug. 28, 1941, 6 F.R. 4484.

Rubber Reserve Company

Created June 28, 1940, pursuant to 15 U.S.C. § 606b. Functions of Federal Loan Agency relating thereto were transferred to Department of Commerce during present War by Ex. Ord. No. 9071, Feb. 24, 1942, 7 F.R. 1531, 50 U.S.C. App. § 601 note.

Solid Fuels Coordinator for National Defense

Secretary of Interior designated to act as Coordinator by President's letter of Nov. 5, 1941, 7 F.R. 1781.

Supply Priorities and Allocations Board

Created in Office for Emergency Management by Ex. Ord. No. 8875, Aug. 28, 1941, 6 F.R. 4483. Abolished by Ex. Ord. No. 9024, Jan. 16, 1942, 7 F.R. 330. Functions and powers transferred to War Production Board by Ex. Ord. No. 9040, Jan. 24, 1942, 7 F.R. 527.

United States Information Service

Created as a division of the Office of Government Reports by regulation of Jan. 18, 1934, issued by National Emergency Council, pursuant to Ex. Ord. No. 6433-A, Nov. 17, 1933.

War Production Board

Established in Office for Emergency Management by Ex. Ord. No. 9024, Jan. 16, 1942, 7 F.R. 329. Supplants Office of Production Management and Supply Priorities and Allocations Board.

War Relocation Authority

Established in the Office for Emergency Management of the Executive Office of the President by Ex. Ord. No. 9102, Mar. 18, 1942, 7 F.R. 2165.

War Shipping Board

Created by Ex. Ord. No. 9054, Feb. 7, 1942, 7 F.R. 837.

Work Projects Administration

Established as Works Progress Administration by Ex. Ord. No. 7034, May 6, 1935. Renamed by Reorg. Plan No. I, § 306, eff. July 1, 1939, 5 U.S.C. § 133t note.

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